

THIS
BOOK
Makes appear the
Claim, Pedigree, and Proceedings
OF
JAMES PERCY
Now CLAIMANT to the
EARLDOM
OF
Northumberland,
Humbly presented to both Houses of Parliament.

Printed in the Year i

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His Preface is only to tell the Readers that all new matters are still placed in the Front of this Book, which seems Irregular; but read this with Patience, and in time it may be Regulated, and put into a due Form.

In short I cannot nor must not forget Truth and Justice, nor the Actions of just Men.

For Sir Thomas Percy K^{nt}. was courted to take upon him the Title and Earldom of Northumberland, but he refus'd it, because he knew himself to be Descended from Sir Thomas Percy K^{nt}. Lord Egermond, 2d. Brother to Henry Percy 3d. Earl of Northumberland.

Captain Percy of Beverly did look after the Earldom of Northumberland, and to preserve the name of Percy, but he left off his Claim, by reason he found himself to be Descended from one of the Brothers of Henry Percy 5th. Earl of Northumberland, &c.

Now Sir Ingelram Percy K^{nt}. was the 3d. Son of Henry Percy, 5th. Earl of Northumberland, who had 2 Sons, viz.

1. Henry had Issue 3. Sons, 2. Robert, had Issue 3 Sons, James, William, Henry. Robert, Thomas, & one more

 James Claimant. Alexander, Roger, Francis, God hath not set the Half-moon in vain upon the Claimant, but the World may look upon it to be the Almighty's Candle to find out the true Heir-Male, James Percy.

Now for Alexander Percy Gent. of Ireland, that rides in the Life-guard, and Mr. Roger Percy Shoe-maker at Charing-cross; and Mr. Francis Percy Stone-cutter in Cambridge, and his Brother a Taylor: I acknowledg them to be Cousins, and Descended from the Sons of Robert Percy, my Great Uncle.

And by reason I know not which is the Eldest and nearest of Kin of the Collateral Line.

Therefore I most humbly pray, That the Heralds may take notice, and help them to find out the truth of Seniority.

For my Cordial Endeavours are, to preserve the Moon from being Misted or Eclipsed any more.

HENRY PERCY, 5th. Earl of Northumberland,
Married; and had Issue 3 Sons, *viz.*

I.

Henry Percy, 6th. Earl of Northumberland, Married, and dyed without Issue.

II.

Thomas Percy, Married, and had Issue; But when *Yosceline* Percy the 11th. Earl dyed; the Heirs Males of this Line were Extinct also.

III.

Sir Ingelram Percy, Married, and had Issue 2 Sons, (*viz.*) *Henry*, and *Robert*.



Henry Percy, Eldest Son, Married, and had Issue 3 Sons (*viz.*) *James*, *William*, and *Henry*; But the 2 elder Brothers dyed without Issue-male

Henry Percy, (Third Son,) Married, and had Issue 3 Sons (*viz.*) *Henry*, *James*, and *Henry*: But the two *Henries* dyed young.

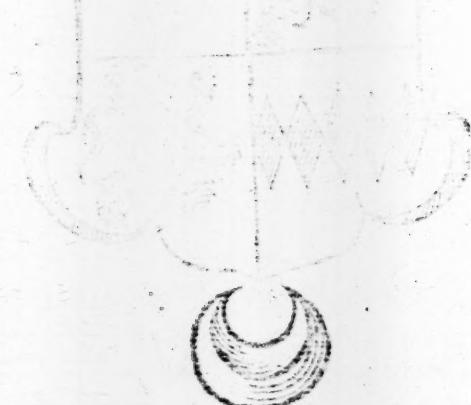
James Percy, (the now Claimant) Married, and hath 3 Sons, (*viz.*) *Anthony*, *Henry*, and *John*.

Anthony Percy, is Married, and hath Issue, *Henry Percy*, Grandson of *James Percy* the now Claimant.

The following Account makes out this Pedigree fully, and at large down from Henry Percy 5th. Earl of Northumberland, to the Claimant James Percy, his Sons, and Grand-son, Henry Percy.

1920-1921

1940-1941
1941-1942
1942-1943



卷之三

Heim Pfeil. Vidi tunc regnum tuum regnum istud. (ad P
yriam) Hoc uero est regnum dei in terra. (ad
-mum) sed et dominus mundus regnabit in terra. (ad
-mum) hunc regnum. (ad Petrum) Et uero regnum
Heim Pfeil.

卷之三

A True Pedegree to prove the Claymant, James Percy, to be the second Son of Henry Percy of Horton in the County of Northampton, who was third Son of Henry Percy of Parvenham in the County of Bedford, who was the eldest Son of Sir Ingelram Percy, K^{nt}. who was the third Son of Henry Lord Percy, 5th. Earl of Northumberland, By which Descent the Claymant is Cousin and next Heir-male to Joscelin Percy the late and 11th. Earl of Northumberland, Deceased.



HENRY Lord PERCY, Fifth Earl of Northumberland, Lord of the Honours of Cocker-mouth and Petworth, Lord Percy, Lucy, Poynings, Fitz-payne and Bryan, and Knight of the most Noble Order of the Garter,

Who married Katherine, one of the Daughters and Co-heirs of Sir Robert Spencer Knight; by whom he had Issue,

1st. Henry Lord Percy, 6th. Earl of Northumberland; who Dyed without Issue.

2^d. Thomas Percy Knight, who was Executed; had to Wife, Eleanor, one of the Daughters and Co-heirs of Sir Gwicard Harbottle Knight; by whom he had Issue, Thomas the 7th. Earl of Northumberland, who was beheaded at York, and dyed without Issue-male; And Henry the 8th. Earl of Northumberland, whose Issue is incerted hereafter.

3^d. Sir Ingelram Percy Knight, who was married, asby the Oath of Mr. Henry Champion, who kept the Books and Records of the Percies.

Henry Lord Percy 6th. Earl of Northumberland, Lord of the Honours of Cocker-mouth and Petworth, Lord Percy, Lucy, Poynings, Fitz-payne and Bryan, Knight of the most Noble Order of the Garter, who Dyed at Hackney near London the day before the Calends of July 1537. leaving no Children behind him. The Dignity of the Earl of Northumberland was vacant till the time of Edward VI. John Dudley Earl of Warwick, Viscount Lisle, Lord Basset and Tyes was intituled Duke of Northumberland the 5th. year of King Edward VI. But when he was Dead, Thomas Percy Nephew to this Henry by Thomas his Brother, who was Executed; In the Reign of Qu. Mary, was restor'd to all the Honours of that Family.

Thomas Percy, Nephew to Henry 6th. Earl of Northumberland by his Brother Thomas, when the stock of the Percies were fading; to their Relief was invested to the Earldom of Northumberland, which the Earl of Warwick held before; and thereby was the 7th. Earl of Northumberland of that Family, Lord of the Honours of Cocker-mouth, Petworth, Lord Percy, Lucy, Poynings, Fitz-payne and Bryan; Queen Mary bestowing those Honours upon him, and his Heirs Male; (and for want of such Issue, Then to Henry his Brother, and his Heirs Male,) by her Letters Patents, dated the first day of May 1557: and whatsoever else of the Antient Patrimonies of the Earls remained, Seized, or Forfeited: But if He should die without Issue Male, Then it should go to his Brother Henry, and his Issue Male. And although (to Honour him the more,) Queen Elizabeth made him Knight of the most Noble Order of the Garter; Yet He, (unmindful of all these Benefits)

nefits,) Conspir'd with *Charles Earl of Westmerland*, to Depose, by Force, Qu. *Elizabeth*; So by Authority of Parliament he was Condemned for High Treason, and as Chief in the Conspiracy, was beheaded at *Tork*, 14th. year of Queen *Elizabeth*.

Who married *Anne* the Daughter of *Henry Somerset Earl of Worcester*, and had Issue Male, *Thomas*, that dyed young, and 4 Daughters; Heirs Males Extinct, And

Henry Percy 8th. Earl of *Northumberland*, Lord of the Honours of *Cockermouth*, *Petworth*, *Lord Percy*, *Lucy*, *Poynings*, *Fitz-payne* and *Bryan*; all which Honours he enjoy'd by virtue of the Letters Patents given by Queen *Mary* to his Brother *Thomas*, and was Created *Anno 1574*. He was after accused of Treason; and being in the Tower of *London*, slew himself with a Dag charg'd with Two Bullets, (before his Cause was heard, or that he was Arraigned,) in the Month of *July 1585*.

ARM S Quarter'd as before,

Who married *Katherine* one of the Daughters and Co-heirs of *John Nevel Lord Latimer*, by whom he had Issue,

1. <i>Henry</i> the 9th. Earl.	5. <i>Sir Richard Percy</i> Knight.
2. <i>Thomas</i> , who dyed young.	6. <i>Sir Alan Percy</i> Knight.
3. <i>William</i> .	7. <i>Sir Josceline Percy</i> Knight.
4. <i>Sir Charles Percy</i> Knight.	8. <i>George Percy</i> Esq;

Henry Lord Percy 9th. Earl of *Northumberland*, Lord of the Honours of *Cockermouth*, and *Petworth*, *Lord Percy*, *Lucy*, *Poynings*, *Fitz-payne*, and *Bryan*, and (in his Mothers right,) *Lord Latimer*; He was Knight of the most Noble Order of the Garter, by Qu. *Elizabeth*, in the Year of our Lord 1593.

Who married *Dorothy*, Daughter of *Walter Devereux*, Earl of *Essex*; by whom he had Issue,

1. <i>Algernon</i> , the 10th. Earl.	2. <i>Lord Henry</i> , who dyed without Issue.
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Algernon, the 10th. Earl of *Northumberland*, Lord of the Honours of *Cockermouth* and *Petworth*, *Lord Percy*, *Lucy*, *Poynings*, *Fitz-payne*, *Bryan* and *Latimer*, Knight of the most Noble Order of the Garter, *Lord Admiral of England*, and General over His Majesties Forces for his Expedition 1640. and one of His Majesties most Honourable Privy Council: He marryed Two Wives: by the former he had 4 Daughters; and by the latter Wife, 1 Son, (viz.) *Josceline*.

Josceline, the 11th. Earl of *Northumberland*, Lord of the Honours of *Cockermouth* and *Petworth*, *Lord Percy*, *Lucy*, *Poynings*, *Fitz-payne*, *Bryan* and *Latimer*, Deceased;

Who married *Elizabeth*, Daughter to the Earl of *Southampton*, by whom he had Issue

1. <i>Henry</i> , who dyed young.	2. <i>Elizabeth</i> , who marry'd the <i>Lord Ogle</i> . (Heirs Males Extinct.)
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The Collateral Line.

Sir Ingelram Percy, the 3d. and youngest Son of *Henry Percy* the 5th. Earl of *Northumberland*; who marryed, and had Sons and Daughters, as by the Oath of *Mr. Henry Champion*, who kept the *Percies Books and Records*; where he found what he testify'd upon Oath, at the Tryal between *Utting* Plaintiff, and *Coppleston* Defendant; He had Issue,

1. <i>Henry Percy</i> ,	} and 2 Daughters.
2. <i>Robert Percy</i> ,	

About 1559. these 4 Children were (in the time of Troubles in Queen *Elizabeth's* Days) sent out of the North in *Hampers*, to old Dame *Vaux* at *Haraden* in *Northamptonshire*, and there were brought up, preserved, and provided for. Therefore it is concluded by all, that *Sir Ingelram's* Lady, (the Mother of those Children, (must be related to Dame *Vaux's* Family.

The Countess *Dowager of Dorset*, *Pembroke*, and *Montgomery*, said, *That if the Claymant*, *James Percy*, were her Kinsman, he must be descended of those Children that were sent into the South in *Hampers*. [Note] There were but few Coaches in those days. *Margaret* that married the first Earl of *Cumberland*, whom the Countess of *Dorset* descended from, was *Sir Ingelram Percy's* own Sister. And while the Claymant was with this Lady, enquiring and delivering Declarations in *Ejectment*, the Estate was all begg'd, as his printed Book makes appear more at large.

That which wildernized the Claymant, was, the rending the matchings of the *Percies* out of the Herald's Book, and likewise the Herald-painter left *Sir Ingelram* quite out of the first Pedegree.

Henry

Henry, the eldest Son of Sir *Ingelram*, marryed the Daughter of one *Tibott*, by whom he had Issue,

1. *James Percy*, who dyed about the year 1654. in *Ireland*, without Issue-male.
2. *William*, who died young.
3. *Henry*.

And 3 Daughters.

Henry Percy married *Lidea* the Daughter of Mr. *Robert Cope* of *Horton in Northamptonshire*, by whom he had Issue,

1. *Henry*, who dyed young.
2. *James*.
3. *Henry*, who dyed young.

} 1 Daughter, named *Elizabeth*:

James, the now *Claymant*, born 1619. of *Henry* and *Lidea* his Wife, who was 2d. Son of *Henry*, who was first Son of Sir *Ingelram*, who was 3d. Son of *Henry*, 5th. Earl of *Northumberland*, who was great great Grandfather of the *Claymant* *James Percy*, who married *Sarah* the Daughter of *John Sayer* of *Norwich*, Gent. by whom he hath Issue,

1. *Anthony Percy*, married and hath a Son (viz.) *Henry*.
2. *Henry*.
3. *John*.

 **U**pon a tripartite Exchange, the Countries from *Trent*, to the North-ward, was the Lot of the *Percies*, in Memory whereof the same being in the *Geographical Form* of an Half-moon, Crescент for their Cognizance

Sir W. Churchill's Historie, fol. 257.

A short Abstract of the fore-going Narrative, co-temporizing down from *Henry* the 5th. Earl of *Northumberland*, who had as before the following (Issue) 6th. Earl of *Northumberland*, *Henry* eldest Son, who dyed without Issue.

Thomas second Son had Sir *Ingelram Percy* third
two Sons, both Earls: Son had two Sons, viz.

7th. and 8th. Earls, *Thomas*, and *Henry*, first Cousins unto — *Henry*, *Robert*.

9th. Earl, *Henry*, and his Bretheren, second Cousins unto — *James*, *Henry*.

10th. Earl, *Algernon* and his Brother, third Cousins unto — *James*.

11th. Earl, *Joscelin*, fourth Cousin unto — *Anthony*, *Henry*, *John*.

The Lady *Elizabeth Percy* married to the Lord *Ogle*, 5th. Cousin unto } — *Henry*.

This may satisfie all wise Men of the Truth of this Pedigree; As for the *Claymant* *James Percy*, he doth acknowledge the mistake of claiming under Sir *Richard Percy*, who was born *Anno 1573*. And *James Percy*, who was Uncle and Godfather to the *Claymant*, was born 1581. So by this Account Sir *Richard* must have been a Grandfather at 8 years of Age. This is an impossible thing indeed.

But here lies the Mystery, and the very Truth of this matter; and it was his Councils advice, to fix upon a wrong party, which (said they) would be the only way to find out the right party; For the Matches of the *Percies* was rent out of the Herald's book, and Sir *Ingelram Percy's* Name was quite left out of the first Pedegree, which wildernized the *Claymant*, and the Councils too, which forced the *Claymant's* Council to tell the Lords in Parliament, that the Cause did not lie before their Lordships, but ought to be tryed before the inferior Courts first; and if the Law could not end it, then it was to return, and come before their Lordships again, to debate and to determine: Since which time it hath been found out by a Verdict at Law, that *James Percy*, is the Legitimate Son of *Henry Percy* and *Lidea* his Wife. And upon Petitions, as in the printed Book may appear, The Kings Most Excellent Majesty hath graciously condescended that the Lords in Parliament shall determine the said Cause.

It is hoped that this just account will abate that mistake of Clayming under Sir *Richard*; for the Lord Chief Justice *Hayls* said at the first Tryal, *That the Plaintiff had proved himself Legitimate by Father and Mother, by Grandfather and Grandmother, but had taken his Descent too Low, he must go a step or two Higher*. And the Lord Chief Justice *Rainsford* said to the Jury at that Tryal against *Wright* for Scandal, *That the Plaintiff had proved himself Legitimate*, and therefore did not examine the third part of his Witnesses; but said *His Pedegree was fully proved at a Tryal before that Court*. So that the Plaintiff ought to have had a Verdict then, when Mr. *Henry Champion's* Oath did perfect and fix'd the Pedegree as before-declared. And the Lord Chief Justice *Scroggs*, at the last Tryal against *Blackstone* for Scandal, and the whole Court did own the Pedegree of the Plaintiff, only said, *The Declaration was nought*. When in Truth it was debated and allowed at the first part of the Tryal; which is good Cause of Error. As the Claymant hath laboured to find out the Truth, even so he doth most humbly pray, That all Wise, Learned, and Conscientious men may take Courage, like the Lord Chief Justice *Hayls* and his Brethren, and strictly inquire into the very bottom of the matter, and to set aside all mistakes, and set up Truth, and maintain and speak cordially to and for Justice; this being the only way to clear the Innocent and put a stop to Oppression. And the Relieved (as in Duty bound) shall ever pray for his Majesties long Life, and the Prosperity of Him, His Realms, and Kingdoms.

The above Claymant had two Petitions read in Council, 21 July 1680. (and rejected) It seems it was objected, that the Man whom the Claymant claimed under must be a Grandfather at eight years old. It is hoped the account aforesaid will justly satisfie and procure a right understanding at the second hearing before the Lords in Parliament And there being no president, as the Claymant is informed, that the Orders of this House do perpetually bar, where the party hath not been fully heard.

For *Henry, 5th. Earl, had Sir Ingelram,*
 —— who had *Henry*, and he had *Henry*,
 —— who had *James the Claymant*.

This Truth is as clear as the Sun at Noon-day, and blows over the misty mistake of Claiming under Sir *Richard Percy*.

It was the putting down of the Court of Wards, and setting up of Priviledges on all sides against the true Heir-male, and the general neglect of the Heralds in the Collateral Line, and the treacherous Actions of his Solicitor, did obstruct and delay all this time.

Moreover, the Lord *Ogle* that married the Lady *Elizabeth Percy*, hath endeavoured to change his Name from *Cavendish* to *Percy*, and also to have obtained an Act of Parliament to settle and confirm upon him (the aforesaid Lord *Ogle*) all those Lands which are annexed to the Title and Earldom of *Northumberland*; which Lands formerly were firmly settled upon the Heir-males of the *Percies* for ever.— See the Records and the Verdict exemplified, and pray a stop may be put to the Lord *Ogle's* Act of Parliament, by reason the Lands are begg'd, bought, sold and scattered. The undoubted Right, and next Heir-male of the *Percies* in Blood, and so proved at Law, and therefore he most humbly and earnestly prays, *That an Act of Parliament may be had, to restore him to his Birth-right, Title, Estate, Preheminence, Priviledges, Place and Seat of his Ancestors, As it hath been done heretofore to several of the *Percies*, the Earl of Kent and others*. This being the 11th. Year of the Claim of

JAMES PERCY.

Who humbly Beggs, Prays, and Cries for speedy Justice.

To the Kings Most Excellent Majesty.

The Humble Petition of JAMES PERCY, Son of Henry Percy, Grand-Son of Henry Percy, Great Grand-son of Sir Ingleram Percy, Great great Grand-son of Henry Percy Fifth Earl, and Couzen, and next Heir-Male to Jocelin Percy, the late and Eleventh Earl of NORTHUMBERLAND, Deceased.

SHEWETH,

 That Your Petitioner hath near upon Ten Years prosecuted his Birth-right, and still continues his Claim to the Title, Honours, Manors, Lands, Preheminencies and Priviledges, that the Rights belonging to the Heirs-male of the *Percies* Family, as they are annexed to the Earldom of *Northumberland*.

That upon the first Address Your Petitioner humbly made to your Majesty, in order to obtain his Right, Your Majesty was Graciously pleased to return for Answer, *God forbid Your Majesty should binder an Heir, but that He should have the Benefit of the Law.*

That upon his Application to the House of Lords (after some short pleadings,) his Council moved, that the Cause might be left to the Law for his Legitimation, that he might more Regularly come before their Lordships, which was accordingly done.

That he hath (pursuant to their Lordships order) obtained a Verdict, exemplified under the Seal of your Majesties Court of *Kings-Bench*, That He is truly, and legitimately descended of the Blood and Family of the *Percies of Northumberland*.

That upon Your Petitioners Humble Application by way of Petition to Your Majesty, praying your Royal Writ of Summons, to call Your Petitioner to Sit in the House of Lords; Your Majesties Gracious Answer was, *That You thought it not Convenient until the Petitioners Cause was Determined by the Lords.*

That the Parliament being by your Majesties Royal Prerogative again Prorogued, it much encourageth your Petitioners Opponents, and weakens your Petitioner in his Dependencies, having been Published in the *Gazet* formerly for an Impostor, whereupon, by the (contrivance of his Solicitor) the Lands were begg'd in the Name of the Duke of *Monmouth*, and others.

That during the time Your Petitioner was prosecuting his Right at Law, the potent Defendants put him off so long by Priviledge of Parliament, till *George Fitz-Roy* was Created Earl of *Northumberland*: And now it is divulged in Print, that the Lord *Ogle*, hath changed his Name from *Cavendish* to *Percy*: All which forces your Petitioner to flie to Your Sacred Majesty for Relief, Protection and Justice.

That it is the Opinion of your Petitioners Councel, That your Majesty of your own Princely Prerogative, without any Declaration of the Lords, may Restore your Petitioner to his Birth-Right, Title, Honors, and Estate, that depends thereon.

Your Petitioner therefore most humbly prays your Majesty (in whom Solely lies the Creation and preservation of Honour and Nobility) to Declare your Royal pleasure, for his Ascending the Sphere and Dignity of his Ancestors: Or, to grant unto your Petitioner (that hath groaned under Ten Years Oppression without decision of his Claim) such Tearly Pension as may support him, until his Cause come to a final Determination.

And Your Petitioner shall Pray, &c.

JAMES PERCY

THIS Petition was presented into your Majesties Sacred Hand the 18. of December 1679. and Sir William Glasgow, Master in waiting, order'd the Petitioner to call for an Answer the 22th. instant, which the Petitioner accordingly did; but then found no opportunity to speak with him: The Petitioner attended the 23. instant, and then Sir William returned this Answer by his Maid-Servant, *That he was busie with some Friends, and that the King would hear nothing until after Christmas-Holidays.*

That the Petitioner went to the Secretaries Office, to get this following Advertisement to be entred into the *Gazet*, but it would not be allowed; which did much dissatisfie your Majesties Loyal Subje&t, to think that the True Heir, looking after his Birth-right, should be put into the *Gazet* for an Impostor, when as he hath proved himself at the *Court of Kings Bench*, by *Twelve honest Jury-men*, to be the true *Percy*, and the only Heir-male to the House of Northumberland. It is very sad, when a *lost Dog* shall find Entrance into the *Gazet*, and a *Just Man* be kept out. The Advertisement refused, is as follows.

Advertisement.

Whereas the Lord Ogle is published in print, to have changed his Name from Cavendish to Percy, upon his Marriage with the Lady Elizabeth Percy, James Percy Esq; the true Heir-Male of the Blood of the House of Northumberland, that hath stood to justify his Claim about Ten Years, and hath proved himself a Legitimate Percy in the Kings Bench, doth likewise publish to the world, that he will justify his Right durante vita, and hopes the World will not be deceived by any Artifice; for he desires no more but a free and final determination of his said Claim.

Fiat Justitia & ruat Coelum.

James Percy.

Notwithstanding, your Loyal Petitioner verily believes your most Excellent Majesty is much Mis-inform'd, yet your Petitioner had not published this Advertisement, had not he found my Lord Ogle to have changed his Name from Cavendish to Percy, printed in *Mercurius Anglicus*.

But now the Petitioner is resolved, (like Hester,) by Gods powerful Assistance, and your Majesties gracious Acceptance, to stand up for the Name of *Percy*, as that Queen kneeled down to save her people.

King Darius took Daniel out of the Lyons Den, and God (in a most Miraculous manner) Restored your Majesty to your Kingdoms: And according to the Coronation-Oath, and your Majesties Royal and Gracious Act of Free pardon and Indempnity, the Petitioner in Justice ought to be restored to his Birth-right and Title, or such an Immediate Allowance as is usual in such Cases, to keep the *White-Horse* or *Honour* from starving, until his Case be determined according to the prayer of the Petition.

The President the Lord Ogles Agents will insist upon, is as followeth :

Note, The Lady Agnes Percy, would not inter-marry with the Lord Josceline De Lovaine, Son and Heir to the Duke of Brabant, the then Queen of Englands Brother, without he assumed her Name.

The Reason was, There was not an Heir-Male then living of the *Percies*; Therefore that was done purely to preserve the Name of *Percy*.

But now my Cozen (the Lady Elizabeth Percies Case) is not the same: For the Heirs-Males of the *Percies* are not dead, as by the Claymants printed Book appears.

But the Mystery of assuming the Name of Percy, is as follows

AS is the Settlement of Arundel-Castle, even so is the Settlement of the Honour of *Peworth* and *Cockermouth*, and divers other Lands, upon the Heirs-Males of the *Percies* for ever: And all those Lands so Settled, and in the Crown, the Rents and Fines can be Recovered no wayes, but under the Name of *Percy*; and the Tenants have over-thrown the Ladies Agents at two several Tryals upon the same Account.

The Petitioner commits this Cause to the Kings most Excellent Majesty, the Parliament, and Leige People of *England*, to judge whether or no this be a Fraud intended, or not? Therefore, I humbly beg your Majesties Pardon: For as the Petitioner, hath often demanded the Fines and Rents of the Tenants, and they durst not obey, by reason his Pedigree was not then proved: But now his Pedigree is proved, to be the true Heir-Male of the Blood and Family of the *Percies* of Northumberland; that they stop all their Rents in their hands, and Prepare those Fines that have been a long time kept from the true Heir-Male.

James Percy.

To the Right Honourable Lords Spi-
ritual and Temporal in Parliament
Assembled.

The Humble Petition of JAMES PERCY.

SHE WETH,

That this is the first year of the Petitioner's Claim to the Title and
Estate belonging to the Earldom of Northumberland. W
That your Petitioner hath had several Tryals at Law, where he is pro-
ved a true Percy legitimate, and no Impostor, as once a Gazette published.
That through the high Priviledges, Policy and Pothecy of the Oppo-
sition and Treachery of his Solicitor, and falling away of some of his
Council, is all which occasioned Errors both particular and general.
That as William Percy, the Brother of the Claimant, was put up to ob-
struct Proceedings, and now Francis Percy Stone-Cutter is cryed up, who
declared himself to be the Grandson of Thomas Percy, that was in the Gun-
powder Plot, and in truth was the son of Robert Percy, the Petitioner's
great Uncle. P
He therefore prayeth that a set day may be appointed, allowing 14 days
time to summon in Witnesses, so that the Pedigree may be fully proved,
that a true Decision may be made according to Justice, and that Truth
may be preserved, and Errors corrected.

And your Petitioner shall ever pray, &c.

JAMES PERCY.

That whereas the Kings most Excellent Majesty hath been graciously
pleased to refer the Petitioner's Cause to the Lords Spiritual and
Temporal in Parliament, to Hear and Determine his said Claim to the
Earldom of Northumberland. T
That the Right Honourable Lords were pleased to receive the above-
mentioned Petition of James Percy the Claimant, at the Bar of the said
House of Lords, the 17th of November 1680. I
That your Lordships will be further graciously pleased, to call for the
laid Petition, and cause it to be Read, and appoint a day for Tryal, ac-
cording to the Prayer of the aforesaid Petition, so that the Pedigree of
your Petitioner may be fully Tryed, with the two Writs of Error.

And your Petitioner shall ever pray, &c.

JAMES PERCY.

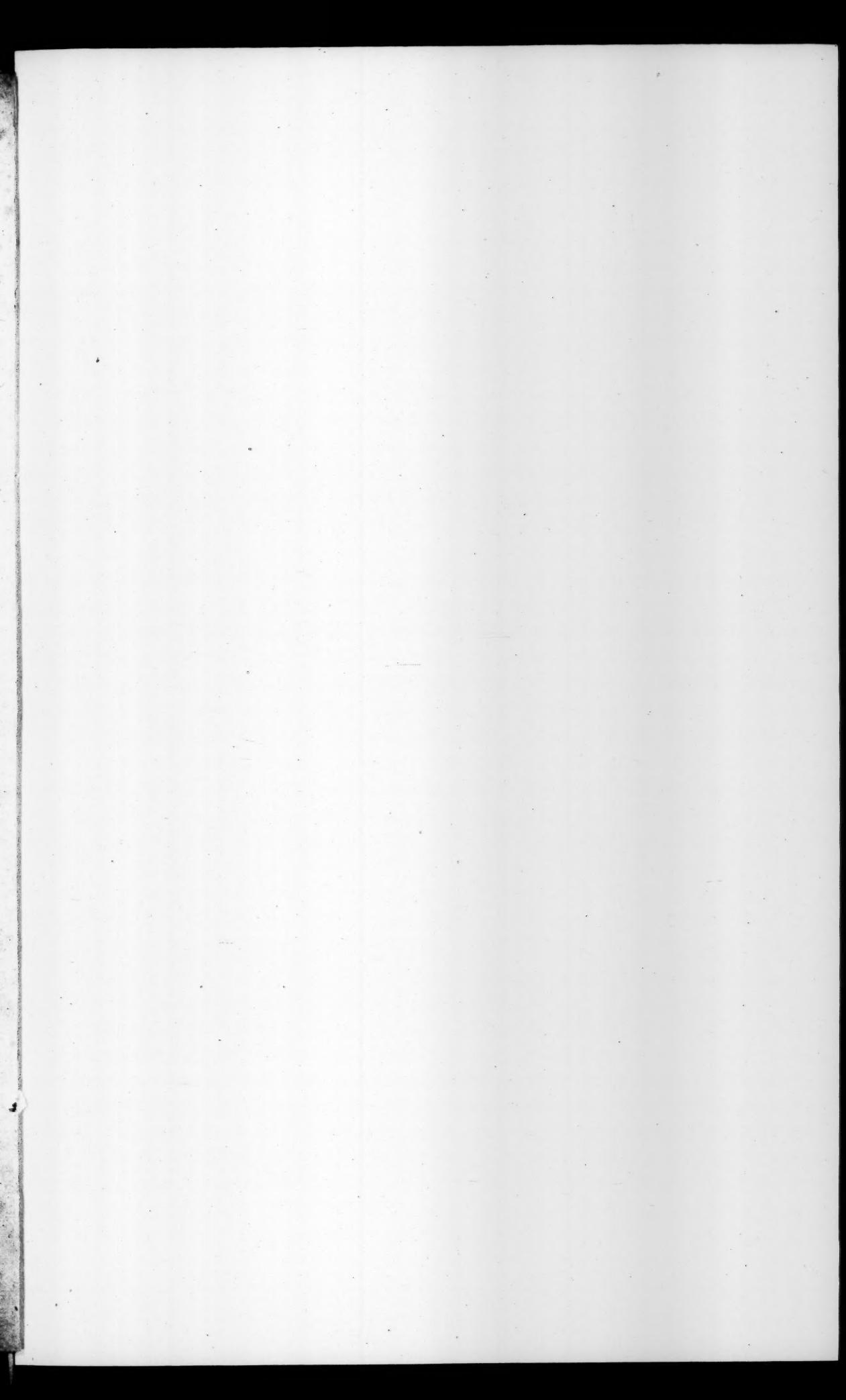
Die Jovis, 25^o Novembris, 1680.

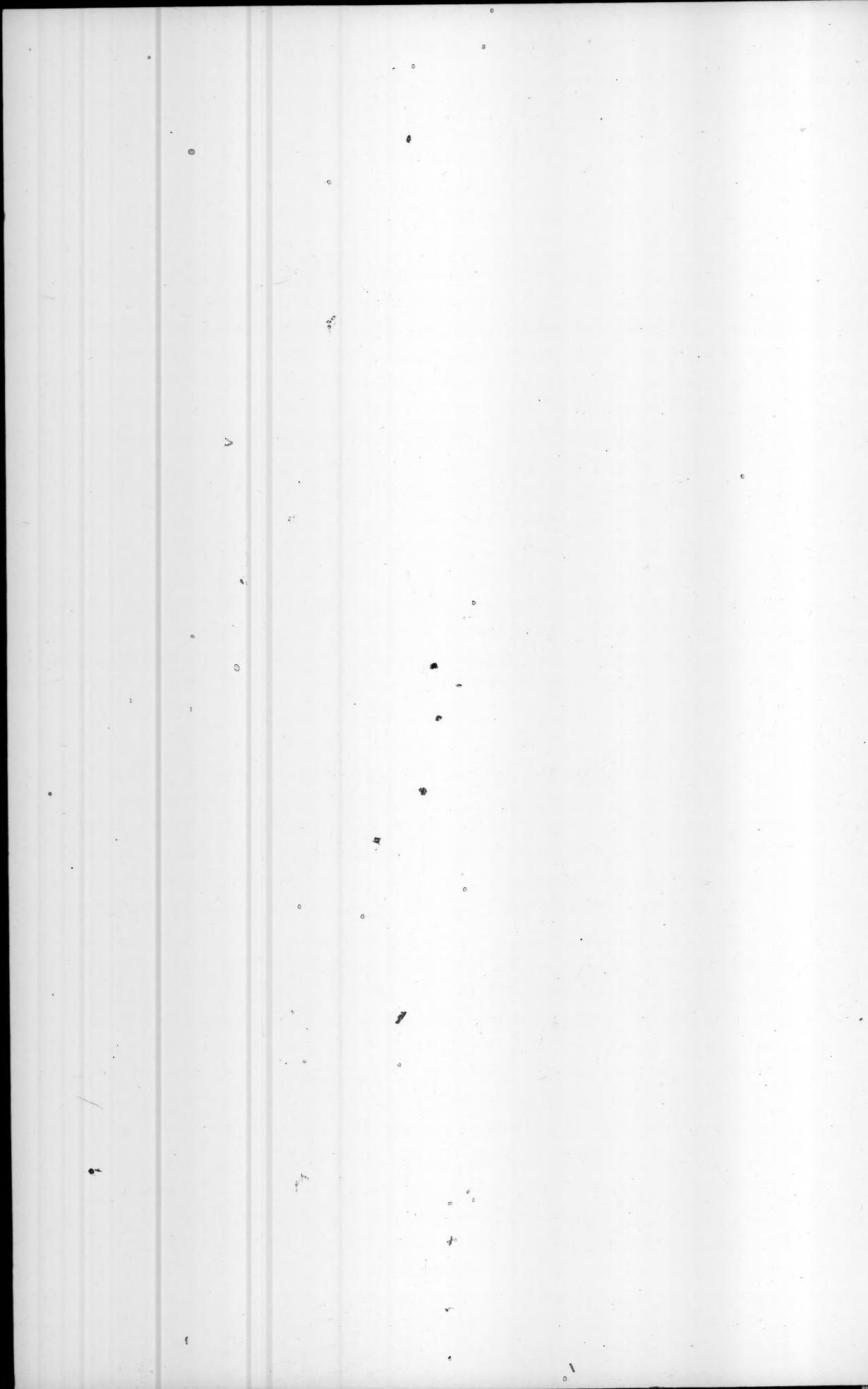
W^Hereas JAMES PERCY Esq; hath brought two *Writs of Error* into this House: In One of which, the said JAMES PERCY is Plaintiff, and John Blackstone Esq; is Defendant: And in the other, Robert Utting is Plaintiff, and Sir John Copplestone is Defendant: Upon both which *Writs*, the *Errors* being assigned, and Issue joyned: It is this Day Ordered by the Lords Spiritual and Temporal in PARLIAMENT Assembled, That this House will hear the *Errors* upon the said Two *Writs of Error* Respectively, Argued by Council at the BAR on both Parts, on Thursday the 9th. Day of December next at Ten of the Clock in the Forenoon. Whereof the said John Blackstone, and Sir John Copplestone respectively, are to cause Timely Notice to be given to the said JAMES PERCY for that Purpose.

JOHN BROWNE,
Cleric' Parliamentor'

The Council's Opinion, to prove the Pedigree, manifest Errors, Re-
marks, Mistakes and Scandals; and makes a clear way to Justice.

Therefore the following Pedigree is prepar'd for the Right Honourable
Lords Spiritual and Temporal in Parliament at the Day of Hearing.





To the Kings Most Excellent
M A J E S T Y.

The Humble Petition of *James Percy.*

S H E W E T H,



HAT this is the 11th. Year of
Your Petitioners Claim to
the Title and Earldom of
Northumberland.

That the 9th. Instant at 10.
of the Clock, is appointed
the day of Hearing, before the Right Ho-
nourable Lords Spiritual and Temporal in
Parliament Assembled.

*Therefore he most humbly Prays, that Your
Majesty would be graciously pleased to
be present at the hearing of the Cause,
and then Your Majesty will understand
how the Moon hath been set under the
horrid Black Cloud of Oppression, and
to see the Moon rise into the Serene
Horoscope of Justice.*

And Your Petitioner shall Pray, &c.

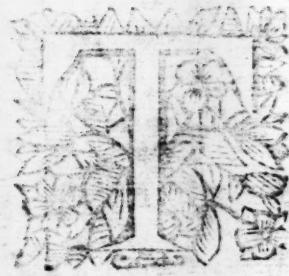
JAMES PERCY.

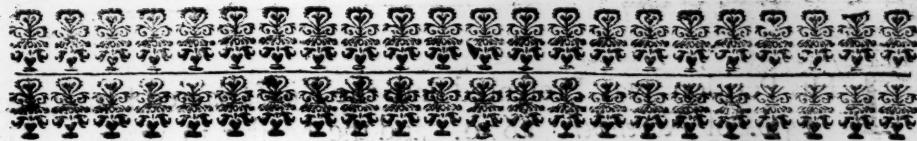
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11-20 97 3 12.

30. *With Honor to the First*

Сюжеты





To the King's most Excellent Majesty.

*The Humble Petition of James Percy, Cousin, and next
Heir-Male of Josceline Percy, late and Eleventh
Earl of Northumberland, Deceased.*

Sheweth,

THAT Your Petitioner hath about Ten Years, waited for the Justice of the Laws of Your Kingdom, at his Vast Charge; and still attends the Issue of his Claim. And being informed, that the Lord Ogle is endeavouring an Interest, to get an Act of Parliament, for Settling the Lands of that Earldom upon him, under the Name of *Percy*. And Your Majesty having always declared Your Royal Pleasure, That *You* would not wrong an Innocent Heir: And *Henry* the Fourth Earl of *Northumberland*, and *John Nevell* Lord *Mountague*, being Presidents of Restitution, when in Default.

*Your Petitioner most Humbly prays, and hopes
Your Gracious Majesty will be pleased to con-
sider his Case; and of Your Royal VVisdom
and Justice, to Restore him to the State and
Dignity of his Ancestors; having proved him-
self at Law, a True *Percy*, of the Family
and Blood of the House of Northumber-
land.*

And Your Petitioner shall Pray, &c.

THIS Petition was Presented into the King's Sacred Hand, the 25th. of November, 1679. and the Master in waiting, his Account was much like to that of Sir John Berkenheds. So the Claymant's Case lies wholly before the Parliament. And therefore, most humbly prayes, That if the Lord Ogle goes on, and prevails in their Act of Parliament, that there may be a Saving put into that Act, for James Percy, the now Claymant, and his Heirs, according to the King's Gracious Direction.

Moreover, That the Right Honourable, the Lords Spiritual and Temporal, will be graciously pleased to call the Pedigree of the Claymant before them; and according to a Verdict exemplified under the Seal of his Majesties Court of King's-Bench, to Report. So that, the King's most Excellent Majesty may be fully satisfied; and the Claymant, James Percy, may at last be Restored to the Place and Seat of his Ancestors, Earls of Northumberland.

Do Justice; Remove Oppression; Then GOD will Bless our King, Parliament, and People, to the Amazement of England's Enemies, and Joy to all his Majesties Loyall Subjects.

All New Matters are still plac'd in the Front of this Book, as the Directions further cites to.

TO

TO HIS MAJESTY KING JAMES

GRACE,

THE

High-Born Prince,

JAMES,

Duke of York.

I Have Petitioned your Royal Brother, our Gracious KING, to be Admitted to speak a few words: And in the like Nature, Petitioned your Grace; but was not Heard.

Therefore, I have made bold to Print; and pray your Patient Perusal, and to Act for Justice.

Justice will stop my Pen, and turn my Complaints into Prayers and Thankfulness.

London, Octob.

21. 1679.

James Percy.

Potent Adversary's Practises, prevents my Opportunities: For I had purposed, by God's Assistance, and Your Gracious Acceptance, to have Presented the Book my self; and hop'd to obtain'd the Honor, to Kist Your Graces Hand.

This is a further Addition of what hath been done since the former Additions was added to this Printed Book; and something of Moment, which was formerly left out.

1. Petition to the KING, and House of Lords.

2. A Petition to the House of Commons.

3. A Letter to a Gentleman, that did pretend he could prevail much with the Countess.

4. A Letter to the Lord Ogle: With other Arguments and Reasons.

To the KING's most Excellent Majesty, and the Right Honorable, the Lords Spiritual and Temporal.

The Humble Petition of James Percy, Cousin, and next Heir-Male to Josceline Percy, late Earl of Northumberland.

Sheweth,

That Your Petitioner put in his Claym, as Heir to the Title, Honors, Lands, &c. of the Percies, as Rightfully and Legitimately Descended of the Antient and Noble House, Nine Years ago; and still continueth the same, in hopes that he may have Justice done him.

And therefore Humbly prays Your Majesty, and Your Lordships, to hear and determine his Right, having proved himself a True Percy at Law. And he shall Pray, &c.

James Percy.

This Petition to the King, and House of Lords, was Presented the 17th. of October, 1679. Mr. Walker the Clark said, That nothing of Private Concerns would be received that Day.

To the Right Honourable, the Knights, Citizens, and Burghesses, in Parliament Assembled.

The Humble Petition of James Percy, Cousin, and next Heir-Male to Josceline Percy, late Earl of Northumberland.

Sheweth,

That Your Petitioner having Nine Years claimed, and industriously prosecuted his Right to the Honors, Lands, &c. of the House of Northumberland; and not yet been able to obtain a Definitive Sentence, by reason of the Potency of his Adversaries, and the Lord Ogle, (as your Petitioner is informed) indeavouring to carry away the said Honor, upon his Marriage with the Lady Elizabeth Percy.

Your Petitioner humbly prays the Benefit of his Birth-Right, and an English-Man, to be heard to his Claim, before any Conclusive Bar by Act of Parliament.

And your Petitioner shall Pray, &c.

James Percy.

This Petition to the House of Commons would have been Presented the same Day; but one of the Clarks said, It was not proper to deliver it, till the Speaker was Chosen.

As the Claymant feared, the other Prorogement would have done him Harm; so this last Prorogation tends to his Advantage: For he hath now time to go for Ireland, to Inform, Incourage, and

and Direct his Eldest Son, *Anthony Percy*, to stand up to maintain the Claim of his Father; Who declares, if any thing should happen otherwise than well, or that he should Dye, he is the next Heir to his parent; and if his Issue fail, then to his Second Brother, *Henry Percy*; and if his Issue fails, then to *John Percy*, the Youngest Son, and his Issue: And if it shall please God, the Claymant, his Sons, and Grand-Children should all Dye; yet there are *Percies* enough, which was the Children of *Robert Percy*, Second Brother of *Henry Percy*, the Children of Sir *Ingleram Percy*, and Grand-Children of *Henry Percy*, Fifth Earl of Northumberland: Which *Henry* and *Robert*, was sent out of the North in Hampers, with two Sisters, to the Lady *Vaux*, in Queen *Elizabeths* Days: And this the Claymant hath done, to prevent the Title, and the Estate of the *Perces*, from being Smugled any more, as at this day.

Moreover, if His Majesty will not give the Claymant Maintenance, nor appoint him a Match; yet it gives the Claymant opportunity to recruit again. As he intended to Print no more; so by God's Assistance, he shall never give over his Claim.

The 15th. Day, the Claymant carryed his False Pedigree, and the True Pedigree, to Sir *William Dugdel* again, and he did promise to stand up for Justice.

This to a Gentleman, that did pretend to prevail much with the Countess.

SIR,

I Have Received my Lost Son; He is found, and return'd again: All Praises be rendred to the Almighty God; who, in his good time, can send me Peace also: For He is Greater, than they that oppose me. We intend to visit Bradford, the Latter End of the next week, to see if you can perform your Promise to me: And, in the mean time, if you please to present this inclosed Book, with my most Humble Service, to the Countess Dowager of Northumberland; and tell her Honor, I would not have presumed to have given her this Trouble, but only that Truth might be known; and to obtain a right Understanding.

Moreover, if her Honor will be graciously pleased to hear me speak, I could Propound that, which would silence all our Differences.

For I am like my Cousin *Henry Hot Spur*, who chose to lose his Life, rather than to yeild to that, which would abate his Honor and Resolution.

But when I find Justice founded upon the Basis of Reason, then I shall, by God's Assistance, be found like a *Jonathan* to *David*. In the mean time, I remain

London, June

14th, 1679.

Your very Loving Friend,
James Percy.

I Lodge at Mr. *Curtis* his House, in *Windsor-Court* in *Mugwell-Street*, near *Cripplegate*.

I Write not as an *Harbinger*, to prepare Provisions, but as an *Herald*, to proclaim Peace to the Countess, if she please. For their Act of Parliament shall never pass Both Houses, without Justice be absolutely Buried alive in this our Nation; *Ezek. 46. Vers. 18.* Moreover, the Scripture saith, *Curse ye him, that removeth his Neighbor's Land-Mark.*

A Letter left at Suffolk-House, for the Lord Ogle, near Charing-Cross.

My Lord,

Ever since the year, 1670. I have applyed myself not only in Person, but by Letters and Friends; as the Printed Lines sets forth: And with two of my Youngest Sons, did upon the 24th of June, 1679. wait for an Answer; But found Things not Performed, as was expected.

Now, My Lord, by your Marrying my Cousin, the Lady Elizabeth Percy, you are become concerned: And since I can no ways come to the Speech of her Grand-Mother, be pleased, that I may speak with you, of Differences past, and to prevent Differences to come. God direct you, even as he did King Solomon, and young Daniel, to do, Act, and stand up for Justice: For which, I have, and shall leave no stone unturn'd, till I find it. According to this inclosed Print, I am.

My Lord,

June, 25. 1679. Your Honors most Humble Servant,

James Percy.

And Mr. Gee did declare to the Claymant, under White-Hall-Wall; That if they had thought, he had had an Estate to have Supported the Title withal, they would have Owned him long ago. If he had not been call'd from his Merchandizing, by God's Blessing, he might have obtained such an Estate of his own, as would have preserved a Percy from a Novel's Lot. For when Henry Percy, Fourth Earl of Northumberland return'd, then was he Created Marques Mountague.

Mr. Champion, that kept all the Records, confess'd, that there was above 4000 l. per annum, to attend the Title, before old Mr. Rogers dyed; and then Cawton, and Rodaway Lands, return'd to the Percies again. And the Agents now hath no other way, but to endeavour the Lands may be sealed by Act of Parliament upon the Lord Ogle, in the Name of Percy.

The true and real Intent of the Claymant, is to satisfy King and Parliament; so as Fraud may be prevented, and a Royal Writ of Summons may be had, to call him to that Seat and Place of his Ancestors, Earls of Northumberland.

James Percy (10 Years Claymant) prays for Justice.



To the KING'S most Excellent Majesty, the Right Honorable Lords, Spiritual and Temporal; and to the Noble and Worthy Commons of *England*, Assembled in *Parliament*.

This out-side Sheet was really prepared to add to this Book, to undeceive *King, Parliament, and People*; and to unmask the cunning Contrivances of Politicians, who Published the *Claymant, James Percy*, in the *Gazet*, to be an Impostor; setting forth a Pedigree of the *Claymant's* younger Brother, Mr. *william Percy*; pretending to undeceive the People: But their real Design was, to wildernize the true Heir, and amuse the World. Notwithstanding, the *Claymant* hath at the last, proved himself the next Heir, as by a Judgment and Verdict; and recovered Cost, as by the Verdict exemplified under the Seal of his Majesty's Court of *King's-Bench*: And therefore, with Courage, and a clear Soul, demands the Place and Seat of his Ancestors, as the true Heir-Male of the *Percies*, and Earls of *Northumberland*. And therefore, the Lord *Ogle* (that Marryed the Lady *Elizabeth Percy*) ought not to Assume the Name of *Percy*, nor have any Settlement of the Lands, which attend the Title. For the Agents did put in a Bill to the Right Honorable Committee of the *House of Lords*, to be made an Act of *Parliament*, for the Settlement of the said Lands: And also, pretended to Indemnify the Trustees, But it is rather judg'd, the real Contrivance of the Trustees, was meerly to bring themselves off, from giving an Account of the main Profits, and the great Wafts, that have been Committed ever since the Death of *Josceline*, the late Earl of *Northumberland*; which on the Twenty-First of *May* next, will be Ten Years. Not many of the Persecutions have been of that long Continuance.

An Act of *Parliament* may be sooner stop't; but will be hard to Reverse, though never so Illegally obtain'd.

This first Sheet, added to this Book, contains the last Petition to the *King*, and a short Abstract of the several Tryals.

The Last Sheet was an Account to one, that desired to be satisfyed, by reason the Agents had mis-informed him: But now he is really Convinced.

The Second Sheet was likewise prepared for the last Session of *Parliament*, and sets forth the several Petitions, Reasons, and Transactions in the Late Parliament. *Pag. 1, 2, & 13, 14.*

The Three Sheets containing the middle of the Book, wherein he Petitioned the the *House of Commons* for their Aid; not any wayes intending to Relinquish his Right in the *House of Peers*.

A Narrative of the several Tryals and Proceedings in the *King's-Bench*, before my Lord Chief Justice *Hayles*, and the Lord Chief Justice *Rainsford*. *Pag. 3.*

The double Tryal, before the Lord Chief Justice *Scroggs*. *Pag. 5.*

A short Abstract of the *Claymant's* proceedings, ever since the Death of *Josceline Percy*, late and Eleventh Earl of *Northumberland*. *Pag. 9.*

The Pedigree of *James Percy*, which proves him to be Cousin, and next Heir-Male to *Josceline*, the late Earl, and Heir-Male of the Body of *Henry Percy*, the Fifth Earl of *Northumberland*; Descended from Sir *Ingleram Percy*, his Younger Son, who was Innocent, and his Issue remains untainted to this Day. *Pag. 12.*

There was a Petition presented to the *King* and *Council*: But the Result of the Board was, The Cause lay not before them, but before the *Parliament*.

And the Kings most Gracious Answer to the Claimants first Petition, was, *God forbid, we should hinder an Heir, but that he should have the Benefit of the Law.*

And now, his Majesties further Gracious Answer is, to this Last following Petition, Presented into his Majesties sacred Hand, the 21st. of September, 1679. as Sir *John Birkenhead* did inform the Petitioner, this 24th. Instant.

1. *As to the writ of Summons, to Sit in the House of Peers, His Majesty replies, He cannot Grant it; by reason the Cause had been before the House of Lords: And that it must be Determined by them, before his Majesty could Grant the said writ of Summons.*

2. *As for that Act of Parliament, the Lord Ogle was indeavoring to obtain; His Majesty was further pleased to say, That the Petitioner might put in a Proviso, that there might be a Saving to the Petitioner, and to his Heirs; as the Counsels learned in the Law, should Advise.*



To the KING'S most Excellent Majesty.

The Humble Petition of James Percy.

Sheweth,

THAT Your Petitioner hath these Nine Years, industriously Prosecuted his Claim to the Titles, Honors, Priviledges, Mannors, and Lands, &c. that of Right descend to him, as Cousin and next Heir-Male to *Josceline Percy*, late and Eleventh Earl of *Northumberland*.

That there was a Bill presented to the Right Honorable Committee of Lords, the last Session of *Parliament*, for the Settling all those Lands by an Act of *Parliament*, that of right attends the Title and Name of your Petitioner, upon the Lord *Ogle*, who Marryed the Lady *Elizabeth Percy*, and would have Assumed her Name: Which Act would have cut off the Right of the Heir-Males of the *Percies* for ever.

Notwithstanding, Your Petitioners clayming the said Honors and Lands, &c. as afore-said; although his Claym hath not been determined these Nine Years, as above-said; and now going on in the Tenth Year of his Claym.

May it therefore please Your most Excellent Majesty, to give Command for Your Petitioner's Summons to this present *Parliament*; by reason Your Petitioner hath proved himself the next Heir-Male in Blood, to the *Percies of Northumberland*, as by a Judgment and Verdict exemplified under the Seal of Your Majesty's Court of *King's-Bench*. Moreover, The Extreams of the Law, which Your Majesty was Graciously pleased to refer Your Petitioner unto, and the Potency of the Defendants is such, that it forces your Petitioner to fly to Your Royal Majesty for Justice.

And he shall ever Pray, &c.

A short Abstract of the several Tryals is here-unto Annexed, to satisfy Your Majesty.

W Hereas Your Majesty was Graciously pleased, to leave Your Petitioner to the Law; therefore, the Petitioner humbly Presents these few Lines, to shew what is proved by the Law.

First Tryal in the Year 1674. The Petitioner was Plaintiff, against John Clark, Esq; Defendant, who was the Lady Elizabeth Percies Agent, for scandalous Words he had spoken against the Plaintiff: At which Tryal, Judge Hales declared, That James Percy, the Claymant and Plaintiff, had proved himself a true Percy; Legitimate by Father and Mother, Grand-Father and Grand-Mother; and of the Blood and Family of the Percies of Northumberland: And he did verily believe, that Your Petitioner was Cousin, and next Heir-Male to Josceline Percy, the late and Eleventh Earl of Northumberland; only he was afraid, he had taken his Descent a little too low.

Second Tryal, was upon an Ejectment for Cannington-Lands in Somerset-shire; which Lands of Right, fell to the Heirs-Males of the Percies, after the Heirs-Males of the Rogerses was Extinct: Doubtless, it was by Mis-information, that Your Majesty was mistaken in Your Gift. And at that Tryal, the Pedigree of Your Petitioner was fully proved; and the Plaintiff ought to have had a Verdict for the same: But Sir John Coppleston being made Defendant in the Case, obtained 80*l.* Cost; and doth violently Prosecute the Claymant and Plaintiff, for the same. Notwithstanding, the Defendants do wrongfully possess those Lands, and receives the Profits; and preserved themselves all along by Privileges, for many Years; to the utter Ruin of Your Petitioner, if not timely prevented by Your Sacred Majesty.

Third Tryal, Your Petitioner proved himself Legitimate again; And not the Tyth of the Plaintiff's Witnesses was Heard at that Tryal; by reason Judge Raynsford stood up, and said, The Pedigree was sufficiently proved by the Former Tryals; as by the Judgment and Verdict exemplified under the Seal of Your Majesty's Court of King's-Bench.

Fourth Tryal, the Plaintiff was forc'd to pay 90*l.* for Clark's Cost, before the Lord of Essex's Priviledge could be got off, to go on to Tryal: And then the Defendant's Council did declare in Court, That they did own the Plaintiff's Pedigree and Title; and yet would not suffer the Plaintiff's Writings to be Read, nor his Witnesses to be Heard; which prevented the Plaintiff from recovering the 1000*l.* Damages, which was laid in the Declaration: And for want of Justice, the Plaintiff lieth under the Burden of an Hundred Marks Costs. Which Tryal ought to be Reviewed, and the Plaintiff Relieved.

He therefore Prays, and humbly Beseeches Your most Excellent Majesty, to remember Your own Troubles; how God delivered You out of the Oppressor's Hand: And even so be pleased to deliver Your oppressed Petitioner, out of the Hands of his Powerful Opponents; so that, at last, he may injoy his Birth-right in Peace, according to Justice.

And if the Petitioner be delayed longer, he must humbly pray Your Majesty for Maintenance, as is usual in such Cases, to support him, till he hath Recovered his Right, Title and Inheritance. And Your Petitioner shall further Pray, &c.

IT is Hop'd, that Your Majesty will never Condescend, that the Lord *Ogle* shall assume the Name of *Percy*; nor that the *Percies* Lands shall be settled upon him, by A&t of Parliament: For the Lady *Lucy* gave all her Lands to the Heir-Males of the *Percies* for ever. God forbid, that ever such a Fraud should be Committed in this Nation. Especially, when the true Heir-Male hath prov'd his Pedigree.

Moreover, Your Petitioner remains Unmarryed: And further hopes, that by God's Providence, and Your Patron-like Care, such a Match may be obtain'd, that will support the Title, and raise the *Percies* Name to its former Splendor.



THE Proroguing the *Parliament*, till the *Thirtyeth of October* next, forces the Claymant to make this further Complaint: For its Consequence is as prejudicial, as Priviledges have been to the Plaintiff; and as much for the Advantage of the Agents and Defendants: Who by Priviledges, Delays, and Oppression, still keeps Possession; and the true Heir still under Persecution. For this Prorogument falls out as pat for the Defendants, as if it had been by their own Appointment. Had the *Parliament* held to Sit on the *17th*. Day, then had the Claymant had time to have put in his Petition, in Obedience to the *King's* Gracious Answer and Direction, to the Right Honorable House of *LORDS*, to have been call'd into that Right Honourable House of *PEERS*; To have taken the Place and Seat of his Noble Ancestors, Earls of *Northumberland*, according to his Birth-right and Title; which would have been a Means to have prevented the *Act of Parliament*, for the settling *Percies* Lands upon the Lord *Ogle*, that Marryed the Lady *Elizabeth Percy*, and that he should not Assume the Name of *Percy*; and that the Fraud intended, might be prevented. But now, the Oppressors have gain'd this following Advantage; The *Term* will be a Week old, by that time the *Parliament* Sits: so that, they hope, in that time, to contrive the Claymant into a Prison; so that he shall not be able to attend the House, when they Sit: If they obtain their Aims, then will the Claymant further Complain to the *LORDS* and *COMMONS*, by fresh Petitions. And in the mean time, he hath prepared these Prints, to pre-admonish the World: And that Just Men may know, that *James Percy* is the true and lawful Heir; and of right, ought to enjoy the Earldom of *Northumberland*: and that the Estate must attend the Title. But cruel Oppression still keeps Possession; which forces the Claymant, to cry out aloud, again, again, and again, for Justice: and that Property, and Right, may be preserved. For if his Innocent, and Just Cause, should be now neglected, your Children, and Children's Children, may be Rejected another Day. I pray God, to direct our *King*, *Parliament*, and *People*; that they may fore-see Things so, as to preserve the Good, and prevent the Evils, to come.

A M E N.

To

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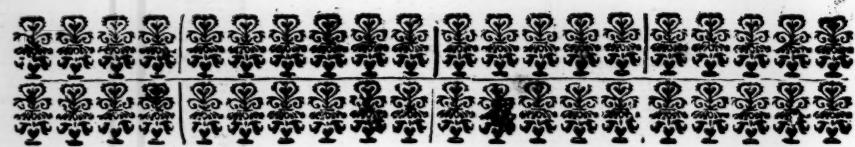
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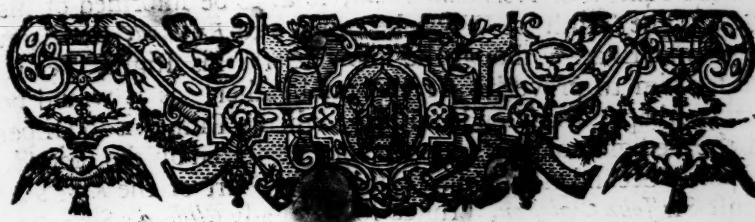
To the Honorable, The
KNIGHTS, CITIZENS, & BURGESSES,
Of The
House of Commons,
I N
PARLIAMENT
Assembled.

The Humble Petition of James Percy, Esq;

Sheweth,

 Hat it is now almost Nine Years, since he put in his Claym as Descended of the house of *Northumberland*, and next Cozen and Heir-Male to *Joscelin* late Earl of *Northumberland*: All which time he hath Vigorously and Industriously pursued his Right, though against so great and unequal Force and Opposition, that he hath not been able to prevail: And therefore humbly prayes Leave to bring the State of his Case, and the Narrative of his Proceedings, before this Honorable House, Imploring their Assistance, to Appear, Mediate and Interpose, for his Relief:

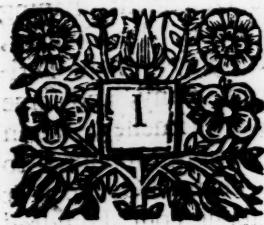
And your Petitioner shall Pray, &c.



A
**NARRATIVE
 OF THE
 PROCEEDINGS
 OF THE
 PETITIONER,**

Since His

**Petitions were Dismissed by the Right Honorable,
 the House of L O R D S , and his Case left to the Law.**



N Trinity-Term, 1674. the Petitioner brought an Action in the *King's-Bench*, against *John Clarke*, Esquire, for Scandal and Defamation he had thrown upon your Petitioner: Where, upon Hearing, some of his Witnesses did not appear. Nevertheless, your Petitioner went so far on with the Proof of his Pedigree, and Lineal Descent from the Earls of *Northumberland*; that the Lord Chief Justice *Hales*, said in open Court; That the Plaintiff (meaning your Petitioner) had proved himself a True *Percy*, of the Blood and Family of the *Percies* of *Northumberland*, legitimate by Father and Mother, Grand-Father and Grand-Mother; and that he did verily believe, your Petitioner was Cousin, and next Heir-Male of *Fosceline Percy*, late Earl of *Northumberland*: But was afraid, he had taken his Descent a little too Low; and willed him, to come better Prepared next Tryal. Whereupon your Petitioner suffered a Non-suit. A * Mistake, I hope, all will Pardon, to one under those Disadvantages the Claimant was; who was forced to Abscond in *England* for his Loyalty, (and Travel for some Years) and had not an Opportunity to acquaint himself

* 1. The Reason of the Mistake in the First Pedigree, was, that the Herald-
Stainer left

out Sr. Ingle-
ram Percy,
the Great
Grand-Fa-
ther.

2. Search-
ing in ano-
ther Herald-
Stayner's
Book, that
had been lent
out; the said
Book was re-
turned, the
Leaf where
the Matches
of the Per-
cies Family
were set
down, accor-
ding to the
Alphabet,
being torn
out.

3. There-
fore, his
Counsel did
advise to fix
the Pedigree
upon Sir Ri-
chard Per-
cy; and if
he was found
the Wrong, it
would be the
means to find
out the
Right; as it
did effect, at
last.

with the Family of *Northumberland*, so as to be informed of his Pedigree. The Truth is, When he came into *England*, to Claim his Honor and Estate; though he knew it was his Right, yet it was hard for him to prove his Great Grand-Father, as it would be for most (perhaps) that Condemn him, when a Family is so Dispersed, and the Pedigree of the Younger Sons neglected by the Herald.

Upon a Second Action brought in the Court of the King's-Bench, against Sir John Copleston, Trustee for the Lady Clifford; Sir John sheltered himself under the Priviledge, so long as he could: When he was forced to a Tryal, your Petitioner proved himself Cousin, and next Heir-Male of the said *Josceline Percy*, late Earl of *Northumberland*, as followeth; For, the Claimant, *James Percy*, was the Son of *Henry Percy*, Grand-Son of *Henry Percy*, Esquire, Great Grand-Son of Sir *Ingleram Percy*, Great great Grand-Son of *Henry Percy*, Fifth Earl of *Northumberland*; So as the Court willed him to proceed to the Title of the Lands: Unto which his Counsel replyed; That the Lands must attend the Title; That the Deeds, Evidences, Books of Entries, and the Records of the Estate were in the Possession of the Defendants. So that, at present, they were not prepared nor instructed to proceed further than the Legitimation, and Lineal Descent of your Petitioner, from the Noble Family of the Earls of *Northumberland*.

That upon the Thirteenth of *June*, 1676. your Petitioner brought his Action in *Guild-Hall, London*, against *John Blacketon*, Esquire, for Scandal and Defamation: But the Defendant moved the Court of King's-Bench, that the Action might be removed, and brought into that Court: And that a Tryal might be there had; which was ordered accordingly. And the Seventh of *May* they appointed to Hear the Cause: The Petitioner humbly submitted to the Pleasure of the Court. And your Petitioner, and the Defendant, having some few Weeks before the said Time of the Tryal, by Consent, attended the Master of the Office, and settled a *Jury*: Your Petitioner prepared for a Tryal, and brought up from many, and some very remote Parts of the Kingdom, Sixty-five Witnesses, all in Court; whose Travels to and fro, upon Calculation, amounted to above Four Thousand Miles; and had Fourteen Learned Councils at the Bar: The Charges of all amounting to about Four Hundred Pound. And thus prepared, brought on the Cause to a Hearing the Day appointed: When imediately the Defendant's Counsel insisted upon the Priviledge of the *Countess Dowager of Northumberland*, in Protecting her Servants and Agents; The said *John Blacketon* being Steward of her Courts, and pretended Receiver of her Rents; and that he was upon the said Employment. Whereupon all your Petitioner's Counsels refused to Plead, although the Court would have Heard them, and proceeded to Tryal of the Cause: But the Council replyed, They had no mind to go to the *Tower*; some of them having been there before. And thus the Tryal was put off.

Whereupon Mr. *Justice Wilde* (hearing these Things) stood up, and said in open Court; *Fye, fye, Gentlemen! Is this a Time to insist upon Priviledges? when you forced the Plaintiff to a Tryal, and have*

put him to so great Expence, Travel, and Labor? You do but cast Cold water upon your Cause. It is not the first time this Cause hath been before this Court.

When Mr. *Blackeston* was asked, Whether he went to London, to look after *Percy's* Tryal? he said, It concerns me not; for the Countess of *Northumberland* is to bear me Harmles.

Upon the Fourteenth of May, 1678. there was a Tryal had at the King's-Bench-Bar, *Westminster*, for Scandalizing the Petitioner's Right and Title; where-on a Verdict was given for Three Hundred Pound Dammages to the Petitioner, and Judgment obtained thereon: As by the said Judgment, exemplifyed under the Seal of the Court, appears.

Lastly, That your Petitioner hath been all a-long perplexed and troubled by many Suits at Law, unjustly Commenced against him by the Agents of the Defendants, or some of them; on purpose to Tire him out, and Ruin him by Chargeable Defences: For it is now almost Eight Years, since he began his Claim. And therefore, Humbly prayes this most High and Honourable Court, to open some way for the Hearing and Determination of this his Just Claim; as it shall in your Mature Wisdoms seem meet and convenient, for the Preserving Property and Right.

*This further Complaint since the Late PARLIAMENT
was Prorogued and Dissolved.*

Percy is Plaintiff;

Blackeston the Defendant.

In Banco Regis, Mich. Term.

MMR. *Blackeston* being Steward to the Lady *Elizabeth Percy*, and the Countess *Dowager* of *Northumberland*, being her Guardian; the said *Blackeston* stood upon the Countesses Privilidge; until, upon another Occasion, the Duke of *Monmouth*, by an Order of the House of LORDS, took off the Countesses Priviledges, as to the Guardian-ship.

Then Mr. *Blackeston* sheltered himself under the Earl of *Essex* Privilidge; until the Plaintiff put his Petition into the House of LORDS, that Mr. *Blackeston* might not be Privilaged by the said Earl.

Upon which, the Earl agreed with the Plaintiff's Counsel, That if the Ninety Pound Cofts, that was unpaid upon the Non-suit between *Percy* Plaintiff, and *Clarke* Defendant, were paid; that then Mr. *Blackeston* should not stand upon Privilidge, but go to a Tryal; which he accordingly did, in his Majestie's Court of *King's-Bench*. Before which time, in the said Term, the Plaintiff's Counsel informed the Court, what the Earl had agreed unto.

B

Then

Then the *Lord Chief Justice* stood up, and said to the Plaintiff; That the Earl of Essex did promise upon his Honor, to set aside his Priviledge; and that the Plaintiff should have a Tryal against Mr. *Blakeston* this Term, if the Plaintiff paid Mr. *Clarke's* Costs first: And we do promise, the Plaintiff shall have a fair Tryal.

The Plaintiff thereupon paid the said *Ninety* Pound Costs into the Court accordingly.

Monday the Eleventh of *November*, the Plaintiff brought on his Tryal: The Declaration being read, Counsellor *Scroggs* opened the Cause; and upon a Word in the Declaration, there was some Debate: But it was waved, the Declaration allowed, and the Scandalous VVords in the Declaration proved.

Mr. *Attorney General* moved, that the VVitnesses might be heard, to prove the Pedigree upward; it being the better way to Satisfy the *Court*, and to Inform the *Jury*: And withal, said; That his Clyant had no better way to prove his Pedigree, but by his Action of Slander: For he hath delivered Declarations in Ejectment, in several Countries; and the Lands are all in great Persons Hands, which still delay him by Priviledges. Then was the Pedigrees delivered to the Judges.

But the *Lord Chief Justice* said; What need we trouble the Court, to Examine all these Witneses, if there be no Lands? Therefore, let us see first, what Lands there are, to make good the Declaration. The Plaintiff produced Records out of the *Tower*, and other Places; which made out, That the Lady *Lucies* Lands in *Cumberland*, and other Countries, were settled upon the Heirs-Males of the *Percies* for-ever, upon the Payment of *Three Hundred* Pound to the *KING*, &c. and Quartering the said *Lucies* Coat of Arms with the *Percies*.

Here the Defendant's Counsel started up an Attainder, which the Plaintiff's Counsel was not ready to Answer; the Plaintiff's Sollicitor having made no Provision against the said Attainder; being confident, that Attainder could not Hurt nor Prejudice the Tryal. And this caused the *Jury* to be with-drawn.

The *Jury* appeared three several Times in this Cause; which was occasioned by the Delayes and Priviledges, which the Defendant sheltred himself under. The Plaintiff payd all the *Jury*, and the *Ninety* Pound was to be continued in Court, till there had been a Fair Tryal: But upon a Motion of the Defendant's Counsel, there was a Peremptory Rule granted, to take the Money out of Court; which was accordingly paid to the Defendant.

The Second Part of the Tryal should have been had in *Michaelmas-Term*, 1678. while the Witneses were in Town: But the Tryal of Mr. *Stayley* prevented it; So that, the Plaintiff's Tryal was put off till *Hillary-Term* following, viz. 27th. *January*, 1678.

The Defendant's Counsel moved the Court the first Day of *Hillary-Term*, for a New *Jury*, and a longer Time; pretending, they had but Seven dayes Notice: When in Truth, the Defendant's Attorney had a Months Notice by the Plaintiff, and Twelve dayes Notice by the Plaintiff's Attorneys Clark. Upon which the Court gave

gave a Rule for Seven dayes longer, and for a New *Jury*; which was Appointed accordingly.

Then the Defendant's Counsel afterwards moved the Court for a longer Day, by reason that their Writings were mis-placed by the Fire in the Temple; which further Day was granted, till *Thursday*, the Sixth of *February*; and no Costs considered to the Plaintiff, for keeping his Witneses in Town all that Time, notwithstanding the Plaintiff's Counsel moved for Costs.

Note, The *Lord Chief Justice Hales*, in the Case of *Percy Plaintiff*, and *Clarke Defendant*: The Defendant's Counsel moved the Court for Seven Dayes time, pretending they were not Prepared: And the Rule of Court was to pay *Thirty-Five* Pound to the Plaintiff, to maintain his Witneses in Town for that time; which was paid.

Now, on the Sixth of *February*, 1678. the Tryal came on again: The New *Jury* did appear; the Declaration was read; and Councillor *Scroggs* opened the Cause, as he did before. And one of the Witneses was called to prove the Words: And when he appeared, the Court acknowledged, he had proved the VVords sufficiently before. And the Defendant's Counsel made no Objection against the Declaration.

So the Tryal was to go on, where it broake off: The Records of the Patents in *Queen Maries* time; one for the Barony, and the other for the Earldom, produced. And he that was the Clark, that Examined them, appeared; but was not suffered to prove them upon Oath.

Note, The afore-said Clark of the Rolls not appearing upon the last Tryal, was the Cause of with-drawing the *Jury*.

Then when the Court saw the Plaintiff was ready to Answer to their Objections, declared, That the Plaintiff was Descended Paramount the Attainders: And did own, the Attaint could not hurt the Plaintiff.

Then *Mr. Attorney General* moved, as at the first Part of the Tryal, That the VVitneses might be Examined, to prove the Pedigree.

VVhereupon, the Defendant's Counsel started up an *Act of Parliament*, concerning the Exchange of Lands, between King *Henry the Eighth*, and *Henry Percy*, the sixth Earl of *Northumberland*, and others.

The Plaintiff's Counsel replied; Here is the same *Act*, with several Savings: That Saving of the Lady *Lucies* Lands was read, till it came to Sir *John Melton*. Then

The *Lord Chief Justice* replied; This doth not concern you: There are no Lands, but are all given away by that *Act of Parliament*.

The Plaintiff humbly replied; The *Melton's* could not Claim, so long as there was an Heir-Male of the *Percies* living. And the Lady *Elizabeth Percy*, keeps in Possession of the Lady *Lucies* Lands; to which she hath no Right, as she is the Heir-Female: For her Agents had Two Tryals against the Tennants, and she was Over-

thrown in both. Therefore, the Plaintiff's VVitnesses ought to be heard, that his Pedigree may be fully proved: This will wash the Scandal clear off the Plaintiff, from that Brand of an Imposture set forth in the *Gazet*; And present the Claimant's Cause fairly to the KING, and the House of LORDS.

The *Lord Chief Justice* said; VVhat will you prove the Pedigree for, when there are no Lands to support the Title?

The Plaintiff replied; And what have we to do with Lands, if we do not prove the Pedigree?

The Plaintiff prayed, That the Saving might be Read, concerning *Somerset-shire* Lands; for which Sir *John Coppleston* is Trustee: VVhich Lands were beg'd of His Majesty; and kept under pretence, that there is no Heir-Male of the *Percies* living. The Lady *Elizabeth Percy*, claimes no Right therein: But if she were in Possession of the Lands, she would endeavour to keep them; as they do by the Lands, claim'd by the Plaintiff.

The Plaintiff also prayed, The Record might be Read, concerning the Lands the Duke of *Monmouth* had Recovered at a Tryal, against the Countes of *Northumberland*; under pretence, there was no Heir-Male of the *Percies* (which was not allowed by the Court to be read); although the Duke was pleased sometime to say, He had no Right to thole Lands, if there was an Heir-Male of the *Percies* living.

The Plaintiff produces the Patent of Restitution, in *Edward the Sixth's* Time, to *Thomas Percy*, the Son of Sir *Thomas Percy*, that Rebelled. Likewise, the Two Patents of the New Creation, of the Barony and Earldom, to *Thomas and Henry*; Granted by King *Philip*, and Queen *Mary*.

And an Act of Parliament, in Queen *Elizabeth's* Time; which Act, if it had been Read, it would have Encouraged the Plaintiff's Counsel, to have pleaded an Abatement to that Act, profusely Contdescended unto by *Henry Percy*, Sixth Earl of *Northumberland*; in the Time of King *Henry the Eighth*, when the said Earl had no Heirs-Males of his own Body.

Two Orders of the House of LORDS: The First in King *Charles the First*, his Dayes: Then Resolved upon the Question, *Nemine Contradicente*; That no Person, that hath any Honor in him, and a Peer, may Alien, or Transfer the Honour to any other Person. Resolved, &c. That no Peer of this Realm can Drown or Extin- guish his Honor, (but that it Descend to his Descendants) neither by Surrender, Grant, Fine, nor any other Conveyance to the KING.

The *second* in King *Charles the Second's* Time; Resolved, and Adjudged, That no Fine Levied, or at any time here-after to be Levied to the King, can barr such Titles of Honor, or the Righ^t of any Person, claiming such Title under him, that Levied, or shall Levy such Fine.

Moreover; The KING's Gracious Act of Free Pardon, Oblivion, and Indemnity at *Breda*; If it Extended to Rebels, then well may Royalists claim their Birth-rights.

Charles 2d.
Act of Obli-
vion.

By

By the Pedigree from *Henry*, the First Earl of *Northumberland*, to *Josceline Percy*, the Eleventh Earl of *Northumberland*: After every Rebellion in the Head-Line, there were still New Creations, and New Restitutions in Blood, to the Heirs-Males of the Head-Line, that was Attainted: If so, then great Reason the Collateral Line, that proves Innocent, should claim their Birth-Right, after the Head-Line is spent. ¹⁰ Therefore, it is requisite, the Pedigree should be fully proved up to his Great-Grand-Father.

The Defendant's Counsel replied; We own your Pedigree, and your Title: But would not suffer any more of the Writings to be Read, nor the Witnesses to be Examined.

The Plaintiff replied; What will the Owning signify, if you will not suffer him to prove his Pedigree? If you will not examine the Witnesses, be pleased to Confirm what you own, by a Rule in Court.

The *Lord Chief Justice* thereupon said; Confirm, or not Confirm, the Declaration is naught: Discharge *Blackeston* from the Suit of *Percy*. Whereupon the Plaintiff was Non-suited: And the Costs are Taxed to 100. Marks, without any Consideration of the Plaintiff's vast Charge he was put to, by the Defendant's Delayes, and Puttings-off by Priviledges: As by this, and the former Tryals doth appear.

And the Plaintiff's own Counsel are of Opinion; That there is no Relief in this Case at Law, but by Act of Parliament: And therefore, hath prepared his Bill; And prays, It may find Admittance.

A Short A B S T R A C T of the Claymant's Proceedings ever since the Death of Josceline Percy, late Earl of Northumberland.

1. **U**pon the 11th. of October, 1670. the Claymant Landed in *England*: First applyed himself to the *Senior Countess Dowager of Northumberland*; And she was pleased, to send him to the *Junior Countess*: And then it was Reported, she was with Child.

2. The Claymant did then forbear, till Time made out to the contrary. And on the *Third Day of February, 1671.* he put in his *Caveat and Claym*, as followeth:

James Percy, Esq; as Cozen, and next Heir-Male of the Right Honourable Josceline Lord Percy, and Earl of Northumberland, lately Deceased, doth Claym the Title, Stile, Honor, and Dignity of Baron Percy, and Earl of Northumberland, Cum pertinentijs; and the Annual Rent or Fee of Twenty Pound, where-with the said Dignity and Honor was, and is Endowed, payable by the Sheriff of Northumberland, out of the same County: And humbly desires a Legal Tryal of his Right herein; and that no Grant in the interim may be made thereof, being his Inheritance and Birth-Right. Dated under my Hand, this Third Day of February, 1671.

Copia Vera, Entred into the Signet-Office, at White-Hall.

JAMES PERCY.

3. He met with Mr. *Henry Champion*, and Mr. *Orlando Gee*, at Dr. *Lamplugh*; and pray'd them, to inform him of his Great-Grand-Father: But they rather took Advantage of his Ignorance. But, Mr. *Henry Champion* did very honestly upon his Oath, at Sir *John Coppleston's* Tryal, declare, That Sir *Ingleram Percy* was Marryed, and had Sons and Daughters; which did not only time, but fix the Claymant's Pedigree. Sir *Ingleram Percy* being left out of the First Pedigree, did much Wildernize the Claymant.

4. The Claymant petitioned the KING, and his Gracious Answer was; *God Forbid, we should hinder an Heir; but that he should have the Benefit of the Law.*

5. Also, he Applied himself to the Earl *Marshal*, supposing to have been Relieved by the Court of Honor; but his Expectations fail'd there.

6. Then he Applied himself to the LORDS, Spiritual and Temporal, Assembled in Parliament; and they likewise, upon the Motion of Sir *Francis pemberton*, Serjeant at Law, Counsellor for the Plaintiff, dismiss his Petitions; and so he was left to the Law.

7. Then his Sollicitor advised the Claymant, (by reason the Court of Wards was Dissolved by an Act of Parliament, 12. Car. 2. c. 24.) to Sue by way of *Quo Warranto*; and Presented it to the then Attorney General, but was not allowed: Whereupon no Inquisition, *post mortem*, was, or could be obtained, after the Deaths of the Two last Earls of *Northumberland*; viz. *Algernoone*, and *Josceline*; which, if it might have been had, this Claymant, without doubt, or question, would have been found by the *Jury*, to have been the Cousin, and next Heir-Male to *Josceline*, the late Deceased-Earl of *Northumberland*.

8. Then the Claymant applyed himself to Sir *Edward walker*, the KING's Herald at Arms; who was very Rough at first; but at last, was more Compliant; and did direct the Claymant in his Pedigree. And on the Day that the Pedigree was Finished, the Claymant went to shew it him; and found him so ill, that he Died the next Day: And therefore, was prevented of his further Assistance.

9. The Claymant's Sollicitor abused him, and caused several Lands to be beg'd by several Persons, in the Name of the Duke of *Monmouth*, when he was in *France*: At his Return, the Claymant went to *windsor*, to tender his Respects to him; and to prevent Differences, being loath to contend against a Person of his High Quality. And he most Graciously Complayned, and told the Complaynant; That he should have a Fair Tryal at Law: And if the Claymant proved himself Heir-Male, God forbid, he should hinder him. Upon which, the Plaintiff returned with great Joy; posted away into *Northumberland*, and delivered Declarations in Ejectment, upon those Lands the Duke had Recovered of the *Countess*, upon pretence there was no Heir-Male of the Family of the *Percies* Living. But when the Claymant was bringing the Tryal on, Priviledge was set up: Whereupon, the Claymant went to Mr. *Rosse*, the Duke's Secretary, to know, why it was so, when the Duke did promise, He would not stand upon Priviledges; but a Fair Tryal should be had?

had? Mr. *Rosse* Replyed, The *Duke* could not set aside his Privilege. To declare, how many Persons, and how oft the Claymant hath been put off by Priviledges, would be too tedious for the Reader.

10. When the Guardianship came to the *Senior Countess Dowager* the Claymant writ to her, and Craved her Answer; and sent his Servant with the Letter, to *Sion-House*: And her Answer was, That she would not return any Answer in Writing. The Claymant writ also to the *Junior Countess*, and sent Friends to Intercede. He likewise writ to Mr. *Champion*, and to Mr. *Gee*, and Mr. *Clarke* several times: And at one time, before the Tryal with Mr. *Clarke*, they would have owned the Plaintiff, to set him up; but broke off upon Terms: Although the Plaintiff was forced to suffer a Non-suit; yet that Tryal, and the Opinion of the Lord Chief Justice *Hales*, convinced Sir *Edward Walker*, and the World. And this Clause is put in, meerly to satisfy the World; Because some say, The Countess hath reported, what she would do for an Heir-Male, of a true *Percy*. Others report, That the Claymant is so Stout, that he scorned to Apply himself to them. The Claymant hath Submitted beyond Reason, Law, and Equity; God himself is the Claymant's Witness: For, he hath set to his Seal a Cressant; a Badge, which belongs to the *Percies* Family, which he was Born into the World with; and is Descended of a Family, of near Thirty Generations: For *William Lord Percy*, was the Fifth Generation, and came in with *William the Conqueror* into *England*. And consequently, the Claymant is by Matches, from *Henry the Fourth Emperor*, and of the Royal Blood of *England*, Legitimate by Father and Mother, Grand-Father and Grand-Mother, great Grand-Father and great Grand-Mother; as by the Oath of Mr. *Henry Champion*, in open Court: Whose great Grand-Father, Sir *Ingeram Percy*, was the Third Son of *Henry Percy*, Fifth Earl of *Northumberland*.

11. It is to be obſerved, That at that very Tryal, the Judgment and Verdict was Exemplified, under the Seal of his Majesties Court of *King's-Bench*: When the Plaintiff, *James Percy*, had proved his Father *Henry Percy* Marryed *Lydia Cope*, his Mother, at *Horton* in *Northamptonshire*; and that they had two Children, *Henry* and *Elizabeth*, both Elder than the Plaintiff. This did abate the Scandal of Baſtard and Impoſture: And my Lord Chief Justice *Rainsford*, stood up, and ſaid; Gentlemen of the *Jury*, This is enough to prove the Claymant Legitimate: We know his Pedigree, and that it must be heard before others. It is humbly ſuppos'd, he meant, before the KING's moft Excellent Majefty, and the Right Honorable, the LORDS and COMMONS Asſembled in Parliament.

Therefore the Complaynant, after almost Nine years Prosecution of his Right, is forced, in order to ſatisfy all Impartial Readers, to preſent this his Caſe to the Publick View: If by any means (for the Honor of Justice, which Eſtabliſheth the Throne, and every Free-born Subject in his Right) he may be Reſtored to the Place and Seat of his Anceſtors; there being many Presidents in his own Family, that of the Earls of *Kent*, and others of the like Nature.

The PEDIGREE.

Henry Percy, First Earl of *Northumberland*, Created by King *Richard the Second*; Had Issue *Henry*, called *Hotspur*: Both Father and Son Attainted. Left Issue Male.

Henry Percy, Grand-Son, was Restored by King *Henry the Fifth*; and made the Second Earl of *Northumberland*. Left Issue-Male.

Henry Percy, Third Earl of *Northumberland*, taking Part with King *Henry the Sixth*, was Slain. Left Issue-Male.

Henry Percy, Fourth Earl of *Northumberland*, after the Surrender of *John Nevil*, Lord Mountague, was Restored; and was Slain, in Performing his Duty for King *Henry the Seventh*. Left Issue-Male.

Henry Percy, Fifth Earl of *Northumberland*, left Issue Three Sons, *viz.*

1.	2.	3.
<i>Henry Percy</i> , 6 Earl, Dyed	<i>Sir Thomas Percy</i> , 2. Son, was Attainted, and Executed, in his Brother's Life-time. Left Issue-Males.	<i>Sir Ingleram Percy</i> , Third Son, left Issue-Males.
<i>Sir Thomas Percy</i> , First Son, Created Seventh Earl of <i>Northumberland</i> , by Queen <i>Mary</i> , after <i>John Duke of Northumberland</i> was Beheaded: And left no Issue-Male.	<i>Henry Percy</i> , Eldest Son & Heir, left Issue-Males.	<i>James Percy</i> , First Son, Dyed without Issue-Male.
<i>Sir Henry Percy</i> , Second Son of <i>Sir Thomas Percy</i> , that was Attainted, as above-said, in King <i>Henry the Eighth's</i> Time, and was the Eighth Earl of <i>Northumberland</i> , and left Issue-Males. [Note, the Mistake:] <i>Sir Richard Percy</i> was this <i>Henry Percy's</i> Son. So that, <i>Sir Richard</i> is found too Young by the Great Pedigree, to be the Claymant's great Grand-Father.	<i>Henry Percy</i> , Second Son, left Issue-Males.	<i>Henry Percy</i> , First Son, dyed Young, left no Issue.
<i>Henry Percy</i> , 9 Earl of <i>Northumberland</i> , left Issue-Male.	<i>James Percy</i> , the now Claymant, second Son, hath Three Sons.	
<i>Algernoon Percy</i> , 10 Earl of <i>Northumberland</i> , left Issue-Male.		
<i>Fosceline Percy</i> , 11 Earl of <i>Northumberland</i> , Dyed, and left no Issue-Male.		

¶ It is to be observed, The Herald-Stainer in the First Pedigree, did leave out *Sir Ingleram*; and likewise at another Herald-Stainers, where the Claymant found out the best Ingelligence: There he found that Leaf wanting of the Marriages of the *Percies*, which the Alphabet Directed unto; which much obstructed the Claymant's Endeavours.

More-over, It is said in Printed Books; That *Thomas Rebell'd* about the first Difference in Religion: But judicious Men judge, it was the Profuseness of his Brother, in endeavouring to give away that, which in Law and Equity he ought not to do: Doubtless, this did Aggravate. And upon this Consideration, was the Lands given back to the Sons. And if the Issue of a Rebellious Son be Restored, great Reason the Innocent should Enjoy his Birth-Right.

And whereas there are divers Lands annexed to the Title, and settled upon the Heirs-Males of the *Percies* for ever; which Lands are wrongfully Possess'd by the Females: And that by the Fraudulent Practice of his *Solicitor*, other Lands are Beg'd, Bought, Sold, and Exchang'd: So that, no Decision can be had by Law. Therefore humbly prays, As he is yet a Commoner, and a Free-born Subject of England, that he may be Relieved by *Act of Parliament*, as is usual in such Cases.

By doing Justice in this your Day, may prevent the like Troubles from falling upon some of yours another Day.

He humbly remains a Faithful Servant to God, to the King, & to his Country.

For the want of the Court of Wards, and the Court of Honors, forced the Claymant to Publish these Complaints.

James Percy.

This Following Account, I hope, will satisfy You, and the whole World.

Worthy Sir,

Consull Tooker informes me, that you declare, that if you were satisfied in my Pedigree, you would use your uttermost endeavour for Justice and Truth: Sir, When I Lodged at Doctor Chamberlines, you came to me, and informed me of *william Percy*; I then took two Witnesses, and went to him, and said, Cozen, *I know my self to be next if Kin to Earl Percy that is dead, but cannot make out my great Grand-Father; I pray tell me, whom do you Claim under.* He said, *My Fathers name was Henry Percy, and my Mothers Name was Mary Varnun, that lived with Madam Cope in Northampton-shire.* James replied, *My Fathers name was Henry Percy, and my Mothers name was Lydia Cope, and Dame Cope her Mother, was my Grand-Mother.* William replied, *Certainly you are my brother; for I was told I had a brother living, but where he lived, and what became of him, I never heard till now.* Col. William Ayrs said, *what Henry Percy was your Father? and whose brother was he?* William replied, *he was the Earls brother, as the Agents told him; for he knew nothing but what they told him?* James Percy replied; *but my Fathers Elder brother's name was James Percy, and was my God-Father, and he never had but one Daughter: and James my Uncle, and Henry my Father were the Sons of Henry Percy of Pavenham in Bedfordshire, and my Grand-Father was sent out of the North in Hampiers to old Madam Vaux in Northampton-shire, when the Percies were in trouble in Queen Elizabeth dayes, and it is my Grand-Fathers Father I cannot find, which would fix the Pedigree:* Insomuch, as the Counsels were at a stand; but was of Opinion, that by fixing on a wrong Person, was the only way to find out the Right. Note, that the aforesaid is enough to satisfy any reasonable man, that *James Percy* and *william Percy* must be brothers; for *Henry Lord Percy* was never Married. Now *Henry* the Father of this *James* was Married to *Lydia Cope* in the year 1614, as by the Register Book, and this True Claymant *James Percy* was born 1619. And there was *Henry* and *Elizabeth*, both elder than *James*; then what signifies *william* the Son of *Mary Varnun*, who was born in the Year 1627: which proves him an Apprentiship Younger; but if he proves his Mother Married to our Father, then he ought to go by the Name of *william Percy*; and if not Married, then to go by the Name of *william Varnun*. I should never have uncovered my Fathers Nakedness, had not my brother (and wicked Agents, and men hard of belief) forced me to it; therefore mark well the following practices.

1. When *James Percy* the Claymant was at a los, and could not find his great Grand-Father, then the Agents put *william Percy* to Claim under *Henry Lord Percy, Algernoon* the Tenth Earls brother.
2. When *James* Claimed under Sir *Richard Percy*, then they put out a Pedigree, pretending to undeceive the people; and there my younger brother is pretended to descend from *william Percy* the elder brother of Sir *Richard Percy*; so cunningly placing of the Younger brother, before the Elder, the more to wildernize the elder brother, and amuse the World.
3. When the Tryal was to be had against *Clark*, then they would have owned the Claimant *James Percy*, and set him up in all hast; as the Book relates more at large, at the Tryal before Judge *Hales*.
4. Further; to keep the Elder brother *James Percy* in darkness, the Leaf in the Heralds book was rent out, concerning the Matches of the *Percies*.
5. The Herald that drew the first Pedigree left Sir *Ingleram Percy* out; yet by Judge *Hales* direction, and Sir *Edward Walkers*, and the help of Friends, the Truth was found out at last according to the Counsels direction; notwithstanding their setting him forth in the *Gazzets* to be an Imposter.
6. When he first went into the North, to deliver declarations in Ejectments, *James Percy* the Claymant, was poisoned at *New-Gaſtle*; & at *York*, was arrested on two several Actions of 2000l. each Action: & for the bits & half Tryal's, I have

at vast Charges and pains obtained, I refer you to the Book, wherein is not a Tyth of the Complaints and Wrongs done and Committed by the Agents.

7. Remember how *Clark* dyed in the North, and how Mr. *Champion* dyed in the South, who did to his power blindfold the Truth; Note also, after *Clark's* Tryal, I went to Mr. *Champion's* house at *Thistle-worth*, and told him, That God would revenge my innocent Cause; for certainly there would a Curse attend such horrid practices so unjustly continued against the True Heir that was owned by Judges and Juries: and all wise men that understand what they read, may easily discern Truth from Falshood: & to that end doubtless, the great God hath set to his Seal, the Half Moon, (a badge belonging to the *Percys*) a Crescent or Mole upon the True brother, and Heir of the *Percies*. Now if men will be of such hard belief, God will shew Wonders, before Truth shall be Overthrown and Trampled under Foot. This account, I hope, will confirm your Judgement, and cause you to imbrace the Truth.

Take these further Arguments and Reasons.

MR. *Henry Champion* ownes, that *Henry Percy* that lived with my Lord *Bacon*, was the right Heir, had he lived; and that *William* was his Son: So Mr. *Busbell* and Mr. *Fleetwood* would often tell me, the Claymant *James Percy*, that they were fellow-servants with my Father, *Henry Percy*; and have often heard *Joscelin Percy*, and the rest of those Eight brethren, call *Henry* the Father of *James Cozen*, and were wondrous familiar when they met at my Lord *Bacons*; Had that Lord continued in prosperity, *Henry Percy* his servant, had not known so much misery, nor *James Percy* (*Henry's* Son) had not run through the Gantlets of extremities. Mr. *Champion* could have done Justice at that meeting at Doctor *Lamplues*, if he had pleased; but he rather takes advantage at the Claymant's weakness. We shall say no more of him, but he that blowes out his Neighbors Candle willfully, may want light justly, before he dies.

Furthermore, it is well known, that *Henry Percy*, the Father of *James* and *William*, took his wife *Lydia*, and her Children, and carryed them to *Dunington* in *Lincolnsire*, and there left them; and then took *Mary Varnun* (the Servant of Dame *Cope*) and carry'sher to *London*; at which old *Henry* the Ninth Earl was Angry; if things had been right, he would have scorned to have seen *William* to have been brought up by the Parish. Had Justice *Scroggs* suffered the Witneses, to speak at the Tryal, it would have been sufficiently prov'd, that *James Percy* and *Henry Percy* were brothers; and the Son's of *Henry Percy*, that was sent out of the North in *Hampiers*, and was so owned by *Henry* the Nine Earl, and his seven brethren, and did oft visit each other.

Furthermore, *Algernoon* the Tenth Earl, did own *James*, the Uncle in *Ireland*, to be the next Heir, if his Brother *Henry Lord Percy*, died without Issue Male of his Body, [Note, *Josceline* was not then Born] and sent *James Percy*, the Uncle of *James* the Claymant, 100*l.* into *Ireland*; and likewise, did often own *James Percy*, the Trunckmaker; and give him money, and acknowledged, That he was the next Heir-male, if his Son should dye, and leave no Heire-males of his Body.

Moreover, *Henry Lord Percy* (brother to *Algernoon*) the tenth Earl, did declare on his Death-bed, that *James Percy* a Trunckmaker, was the next Heir, if his Brothers Son should die.

And also *Joscelin* the eleventh Earl beyond Sea, did declare, upon his death-bed, That *James Percy* the Trunck-maker in *Ireland*, was the next Heir-Male, if he were living; and Cryed out, *Oh that he were here now*. And as for *William Percy*, alias *Varnun*, he was never owned by any, but Mr. *Champion*, who endeavour'd to act the part of *Jacobs* Mother; Had *Henry Percy* (the Father of *James* the Claymant) lived in these times, he needed not to have Fled for his Crime: Could *James Percy* have had a fair Tryal, he would have printed no more.

But, when you came first to me, I shewed you a *Mold* like a *half-Moon* upon my Body, (born into the World with it) as hath been the like on some of the *Percy's* formerly; now, search *William Percy*, and see if God hath marked him so; surely,

surely, God did foresee the troubles, although the Law takes no notice: But God makes a true decision, even as he was pleased, to make *Esau* hairy, and *Jacob* smooth; if I (like old Father *Isaack*) could not See (through the mist of Ignorance, and misguidements of Politicians) the right road of my Pedigree; yet now by Providence, I can (like old *Tobias*) see perfectly the *Rebeccaical Actions*, that hath been practis'd against me, and how they endeavour to steal away my Birth-right, and my Blessing too.

And since it is your desire, to be satisfid, be pleas'd patiently to hear a little of my Solicitors Treacherous Practises, as Mr. *Champion* was pleas'd to say to me in the Temple-Walks: *Mr. Percy, who helpt you to your Solicitor?* I repli'd; *I believe your self, or the Devil sent him to me.*

This Solicitor Mr. *Tho. Swayne*, perswades me into Articles; then carrieys me down to *Pimborne* in *Dorset-shire*, to his own House, pretending to carry me to old Mr. *Roger's* of *Canington* in *Somerset-shire*; saying, *He did not doubt, but upon reasonable termes, to prevail with the old man, to put me in possession of the Estate, in his life time.* But when he had put me to so vast Charges, then he pretended, he might get his Brains beat out; for he was informed, he was an Old Cross Fellow, and therefore he would not go. The next Project he had, was, That I had great Persons to deal withal; and I must get Courtiers that were in the Kings Favour, and he was well acquainted with them; but he would apply himself first, to the Lord *Newport*, and propound a Match for one of his Daughters, to my Eldest Son; but instead of the Match, the Lord *Newport* had begg'd the Lands, for the Duke of *Monmouth*; when in truth, the Duke was in *France*; and *Canington* Lands was begg'd by other Courtiers, by the Contrivance of the Solicitor; unknown, and altogether against the Opinion or Consent of *James Percy*, the Claimant; and when the Solicitor saw the Clyant so enraged; saith he, *The Lord of Newport can do what he pleases with the Duke of Monmouth; so that the Duke upon the Match, should return the Lands again.* But when *Percy* would not be satisfid, then *Swayne* would meet with him at my Lord *Newport's* Lodgings, at *whitehal*: *Percy* met at the Hour appointed, (*Swayne* being then with the Lord); but *Percy* was denied. The next day, *Swayne* gave *Percy* a Letter to the Lord, to satisfy himself. The Lord answered him, *Mr. Percy, You must believe your Solicitor.* But being earnest with my Lord, he replied; *Mr. Percy, If you will trust to me, I will be your Faithful Friend: But the Truth is, I dare not appear publickly for you, I am so near related to that Family.* Whereupon *Percy* replied; *Nay, my Lord, if you dare not appear publickly for me, I dare not trust you privately:* So pray'd God to Bless him, and took Leave to depart.

Then *Swayne* the Solicitor, contrived three Suits at Law, against *Percy* his Clyant, which lasted Three Years; and *Percy* cast *Swayne* in all the three Actions, but could not catch him for his Costs.

And now the Duke of *Monmouth* hath Sold those Lands that was begg'd, and was worth Nine or Ten Thousand Pound *per annum*, for Twelve Thousand Pound: But Six Thousand for the Duke's part; and the Lord *Newport*, and others, had the Remainder; as the Claymant is informed.

Note, In that Act of *Parliament*, which *Henry Percy*, Sixth Earl, was so profuse, in Letting long Leases to his Servants, Tenants, and others; and Exchanging those Lands, which of right he ought not to do: Yet there was many Savings in that Act, which was settled upon the Heir-Males of the *Percies* for ever; which would not be suffered to be read at the Tryals. But Learned Counsels were of opinion, That his settling the Lands in the Crown, was to ingratiate himself in the King's Favour; questioning not, but that the King would Restore all the Lands again to the Sons of *Thomas* that Rebell'd, and was Executed in the Life-time of his Brethren: And his Sons was a Bar to Sir *Inglaram Percy*, the Younger Brother; or else, Sir *Inglaram*, without all doubt, had been immediately Seized of the Estate, after the Earl, his Elder Brother's Death: For *Thomas* his Attaint, did not prejudice the Elder Brother, nor hurt the Younger Brother; He only Corrupted his own Line. Now, Mr. *Clark*, Mr. *Champion*, and Mr. *Gee*, did make use of their time; and by Favour, posses themselves of most

of those Lands, as the several Leases and Lives were expired: And to continue those Lands, in policy they set up *William Percy*; thinking they might please him, as they do Children with an Apple.

Had the Agents sent me Money, so often as they did *William*, they had done well; but opposing me (the True Heir) against their own Knowledge, they have done very unjustly: For Mr. *Orlando Gee* well knows, I made my Claim at *Petmouth*, in the Year 1654. *I am your Cordial Friend.* J. P.

SIR,

I Have, according to my Promise, given you a true Account; as I did at first, when I was ignorant, and could not make out my Great Grand-Father, to fix my Pedigree. But when Mr. *Henry Champion*, at Sir *John Coppleston's* Tryal, was forced upon his Oath; then he confess'd, that *Sir Ingeram Percy* (who was hid from me before) was Marryed, and had Sons and Daughters. Mr. *Champion* knew this, when the Letters and Mony was sent to my Brother *William*. I wonder, a Wise Man as you are, should be so deceived by him: And the World may wonder at me, that have trac'd their Treacheries, and dissembling Actions; and found them out so, as it will continue to their shame, another Day. Had the Agents been true to themselves, they should have acted the Honest Part; as Mr. *Champion* was once about to do, at my first Coming over. For, he came to me, and said; *Mr. Percy, Will you own the Old Servants?* I replied, *According as they shall deserve.* And then Mr. *Gee* came to me, and said; *Was you the Man, that came to Petworth, in the Year 54?* And with the Circumstantial Remembrances I gave, silenced him. Truly, I am ashamed to declare their unworthy Actions, and what they have forced me to. Now, suppose they had prov'd *Mary Varnon* Marryed; yet I was seven Years elder. But to put up a poor indigent Man, a Journy-man-Glover, & Christening his Children, to deceive the World; and to slight the true Heir, because I was a Trunck-maker: The Trade is Good; and by *God's* Blessing, it hath given me Bread in the Extremity of my Travels, till I obtained the Merchandizing Trade: And can make my Three Sons Free-Men, & Merchants of *London*, and *Dublin* in *Ireland*, and of *Norwich* in *Norfolk*; and have likewise Trayned them up to Handycrafts: So that, if they fail in the Mystery of Merchandizing, they may (with *God's* Blessing) Live upon their Ingenuity.

Yet, one word more, in my Father, *Henry Percy's* behalf, by way of Comparison. There was one of the Female Sex, that was addicted to Venery; and a Person of Quality, being over seen, had to do with her; and she laid the Child to him, though some other might have got it: And such People are not much to be blamed, for getting the best Father they can, for the Child.

To conclude: I must not forget to tell you, what the Agents are doing now amongst the Tenants, as I am informed: They call all their Courts for the Lord *Ogle*, by the Name of *Percy*; and informis all the Tenants, That *James Percy* (the Ten Years Claymant) is Run away: But by *God's* Providence, I remain at Mr. *Ralph Carter's* House, a Trunck-maker in *Fleet-street*, over against *Serjeant's Inn*: where the Messenger may find *James Percy*, to Serve the King's Royal Writ of Summons upon.

Since I saw you, I presented a Petition into the King's sacred Hand: And His gracious Answer to the Master of Request, was, as at the Beginning, when I first Petitioned the King; whom *God* Bless with long Life here, and Eternal Happiness hereafter. You will find the Petition and Answer, in the First Sheet added to this Book. If a Tinker was taken in his Travels, a Laborer from under his Hod of Morter, and a Sawyer out of the Saw-Pit, to Enjoy their Birth-right and Inheritance; then, Why may not *James Percy*, the true Heir to the Earldom of *Northumberland*, be call'd from a Trunck-makers House, to take his Place and Seat, in the Right Honourable House of PEERS; according to his Birth-right and Title.

YOU was pleased to tell me, That Disgust was taken against me, for the Verses I sent to the Countess. I must confess, I writ them in a great Passion; because the Countess would not vouchsafe to speak with me, but peep through the Window at me. And because I begun with a Verse, I will end with a Verse; by reason the Countess shall see, I am still the same Man: And so, leave the Cause to *GOD*, to the *KING*, *Parliament*, and *People*, to Judg, whether I ought to lose my Birth-right, for so small an Offence, as these following Verses.

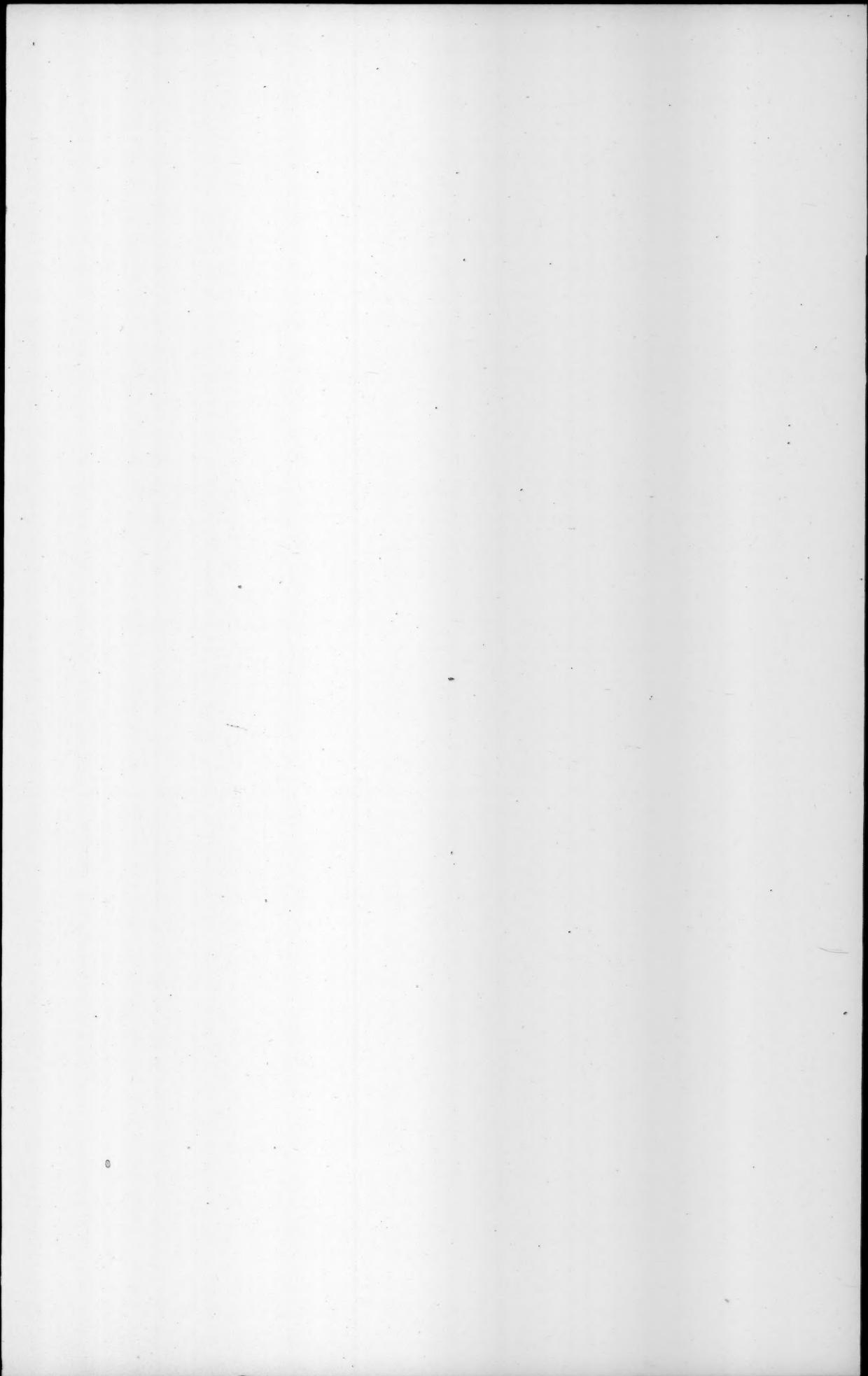
Wealth is the Gyant grown so high,
 That can a Percy now defye:
 Though, like David, with Sling and Stones,
 Shews Great Champion's Blood and Bones.
 Saul seeking Asses, Kingdom mes;
 James seeks his Right, finds Foes too Great.
 Pray God give me a Zealous Heart,

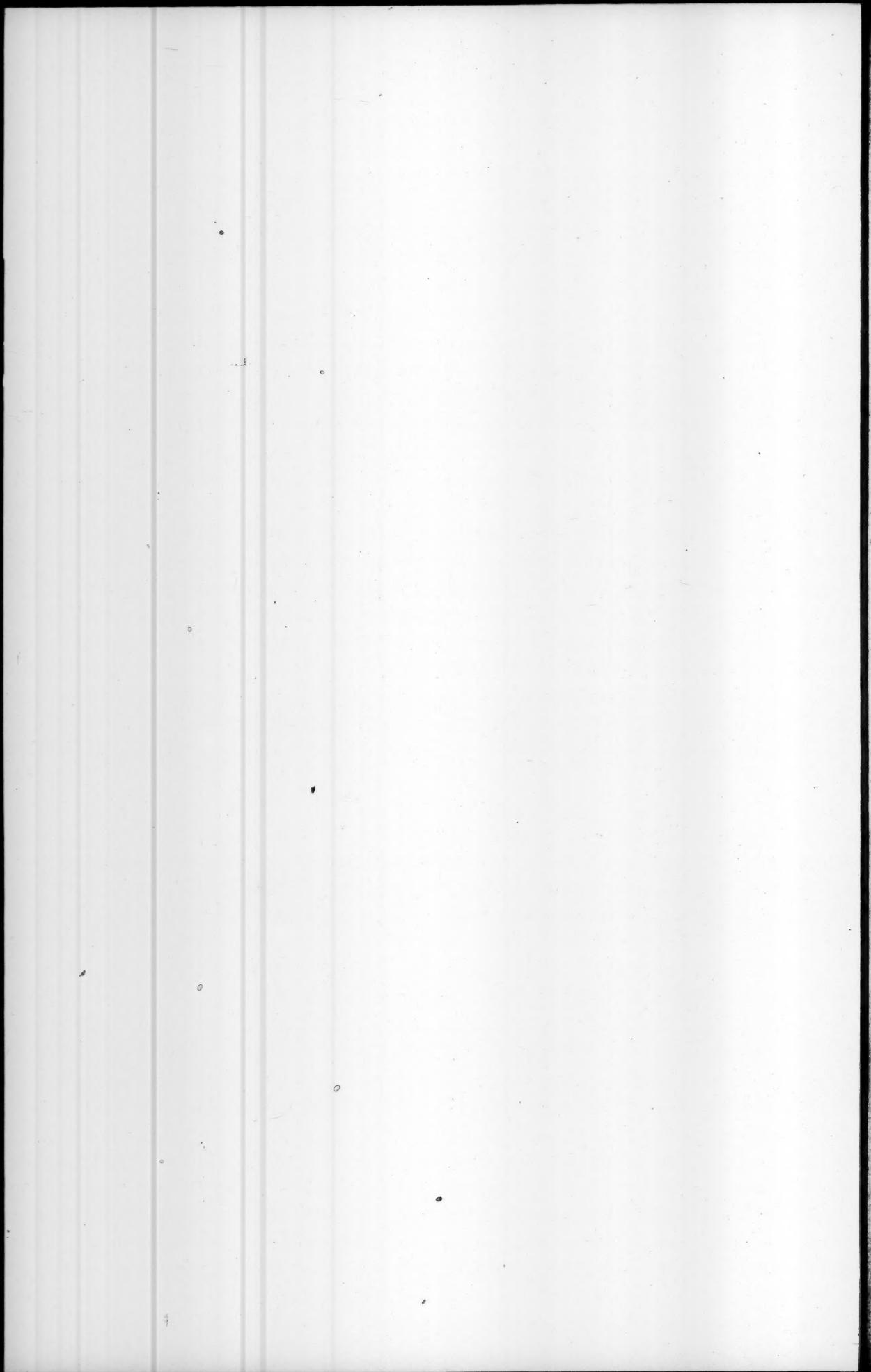
That I may seek the Better Part:
 Then shall I Sing his Praises clear;
 Scorn to peep through a Window here.
 This is done, that it shall be said,
 A Percy Lives, though Josceline's Dead.
 Resolv'd I am, to spend my All,
 Before a Percy's Name shall Fall.

If the afore said Verses gave Offence, I hope these following Verfes will not.

An Impostor is a Base Name;
 By doing Justice, clears the Shame:
 And blows away the Clouds so high;

Makes Truth shine clear, as Sun in Sky.
 I trust in God, that can Restore,
 If not on Earth, to Heavens Shore.





THE CASE O F JAMES PERCY, The true Heir-Male and Claimant to the Earldom of Northumberland,

To the Honourable Knights, Citizens, and Bur-
gesses; And to the Committee of Grievances,
in PARLIAMENT Assembled.

*The Humble Petition of JAMES PERCY, Cozen and next Heir-
Male to JOSCELIN PERCY, the late and Eleventh EARL
of NORTHUMBERLAND, Deceased.*

SHEWE TH,

THAT your Petitioner was the Son of Henry Percy, who was the Son of Henry Percy, who was the Son of Sir Ingleram Percy, who was the third Son of Henry Percy, Fifth Earl of Northumberland: By which Descent your Petitioner is Entitled to the Earldom of Northumberland, and to several Baronies, Honours, Manors and Lands, which to the Earldom and Baronies have been and still are annexed; your Petitioner having proved his Pedigree, questions not but by your Assistance to make appear they are, or should be his Right, and Just Inheritance, as Cozen and Heir-Male to Joscelyn late Earl afore-mentioned: And therefore ought to sit in Parliament, and enjoy the Place, Seat and Preheminence of his Ancestors, with the Dignities to him so descended, and do of Right belong: And therefore prays his Bill may be made an Act to settle the Title and Estate together again, that Property and Right may be had according to Justice.

That at his first coming to Claim, your Petitioner petitioned the Kings most Excellent Majesty, who was graciously pleased to say, *God forbid We should hinder an Heir, but that he should have the benefit of the Law.*

That your Petitioner applied himself to the Lords in Parliament, where he then could not prove his Great Grandfather, which forc'd his Council to tell

their Lordships, That the Claimants Cause lay not before them, but ought to be Tryed at the Common Law first ; and when the Cause had went through the Inferior Courts to prove his Pedigree, and if the Law could not end it, then the Cause ought to come before their Lordships again, to Hear, Debate, and to Determine. And at that time his potent Adversaries did publish in the *Gazette*, that your Petitioner was an *Impostor* ; and at their Courts did declare to all the Tenants, that the Claimants name was not *Percy*, but that he was a *Bastard* ; and that *Henry Percy* whom he declared was his Father, they could prove was never Married: Yet they have made all the Waste imaginable, cutting down Woods, pulling down Castles, over-working of Lead-Mines and Coal-Mines ; and not only so, but it cast the Petitioner out of Favour in the World, that His most Excellent Majesty was pleased to give the Title one way, and the Land several ways ; which hath not only multiplied Enemies, but by their Power, Policy and Priviledge, hath put off your Petitioner near Eleven Years.

Therefore your Petitioner renders this following Account, that his Just Cause may be known, what hard usage he hath found at Law. That the first Tryal was in the year 1674. against Mr. *John Clerke*, the chief Agent, for scandalous words, who shelter'd under Priviledge a long time ; and before the Tryal, they offer'd to Own him, and to assist the Claimant *James Percy* with their Books, Pedigree and Records, but would not be bound to perform : Then the Plaintiff perceived it to be a baffle for a longer delay, and there were no good Faith in them ; then said the Plaintiff, *Currat Lex*, I will have the Tryal if it be but to wash the dirt off, which the *Gazette* and your evil practices have thrown upon me : And at the Tryal, the Attorney would suffer a Non-suit, without the consent of his Client ; at which the Lord Chief Justice *Hales* seemed not to be satisfied, but stood up and said, That *James Percy* the Claimant and Plaintiff, had proved himself a true *Percy*, legitimate by Father and Mother, Grandfather and Grandmother, and of the Bloud and Family of the *Percies of Northumberland* ; and did verily believe, that the Plaintiff was *Cozen* and next Heir-Male to *Joscelin* the late and 11th Earl of *Northumberland*, only he was afraid he had taken his Descent a little too low : And the Jury at a Treat which Mr. *Clerke* the Defendant gave them, said to Mr. *Clerke*, You are beholden to Mr. *Percy* for suffering a Non-suit, for truly we must have given a Verdict for the Plaintiff, his Cause was proved so clear: and the Damages was laid in the Declaration 10000 £.

The second Tryal was upon an Ejectment for *Cunnington* and *Rodoway* Lands in *Somersetshire*, which Lands of right fell to the Heirs-Males of the *Percies*, after the Heirs-Males of the *Rogers* was extinct : Doubtless it was by mis-information his Majesty was mistaken in his Gifts : And at that Tryal the Pedigree was fully proved up to the Plaintiffs Great-Grandfather, Sir *Ingleray Percy*, youngest Son of *Henry Percy* 5th Earl of *Northumberland*, by the Oath of Mr. *Henry Champion*, who was Steward to the Earls of *Northumberland*, and declared at that Tryal, that he found in the Books and Records of the *Percies*, that Sir *Ingleram Percy* was married, and had Sons and Daughters : so that a Verdict ought to have been had for the Plaintiffs Pedigree at that Tryal also. And Sir *John Coppleston* did not only shelter under Priviledge, but when the Writs of Error were put into the House of Lords, he then sued the Plaintiff in

in the Court of Kings-Bench, and got Cost, and broke the Priviledge of Parliament.

The third Tryal was against one Mr. *Wright*, for the like scandalous words, where your Petitioner proved his Legitimacy again, and not the Tythe of his Witnesses were examined ; for the Lord Chief Justice *Rainsford* stood up and said, Gentlemen of the Jury, we need not trouble the Court to examine more of the Plaintiffs Witnesses, by reason his Pedigree was fully proved before, at a former Tryal at the Bar of this Court : And when the Jury brought in but 300*l.* Damages, the Lord Chief Justice was angry, and told them they had undervalued the Plaintiffs Cause ; (the Judgment exemplified under the Seal of the Court, makes appear the same.)

That the fourth Tryal against *John Blakeston* Esq; who was likewise an Agent for the Lady *Elizabeth Percy*, and kept her Courts, and did declare the like scandalous words, and gave it in all his Charges to the Jury and Tenants, to take special notice thereof : And at the Tryal on *Monday* the 11th of *November* 1678. the words were proved. The Declaration was allowed, after some debate upon a nice word, which was amended : But the Council for the Defendant started up an Attainder in the Case, which the Plaintiffs Council was not prepared at that time to remove that Objection, but the Tryal was put by at that time, and the Jury was withdrawn, as the Plaintiffs printed Book declares more at large. But the second part of that Tryal was upon the 6th of *February* 1678. a new Jury upon the motion of the Defendants Council did appear, and the Plaintiffs Council did clear that point concerning the Attainder, by reason the Plaintiffs Council made appear to the Court, that *James Percy* was descended from the Body of *Henry Percy*, 5th Earl of *Northumberland*, of Sir *Ingleram Percy* his youngest Son, and that the Collateral Line was never Attainted ; and therefore ought to enjoy the Title and Estate of his Ancestors Earls of *Northumberland*. Then the Defendants Council and the Court did own the Plaintiffs Title and Pedigree, but said there was no Lands to support the Title : then the Plaintiff prayed, that the Court wotild confirm what they owned by a Rule in Court ; whereupon the Lord Chief Justice *Scrogs* stood up and said, Confirm or not confirm, the Declaration is naught, discharge *Blakeston* from the Suit of *Percy* ; notwithstanding the vast Charge the Plaintiff had been put to, by the Defendants sheltering under the senior Countess of *Northumberland*'s Priviledges : And when the Duke of *Monmouth* had set aside her Priviledges, then he shelter'd himself under the Lord of *Essex* his Priviledge : And when the Plaintiff had made his complaint to the House of Lords, the Lord of *Essex* did agree with the Plaintiffs Council, that if Mr. *Clerk*'s Cost was laid down in Court for his security, the Defendant Mr. *Blakeston* should not stand upon Priviledge, but go on to Tryal : Then the Lord Chief Justice *Scrogs* stood up and said, Mr. *Percy*, if you will lay down the 90*l.* Mr. *Clerk*'s Cost in Court, the Lord of *Essex* will not insist upon Priviledge, and we do promise you shall have a fair Tryal : Whereupon the Money was tender'd accordingly, and the 90*l.* was got out of Court before he had notice by his Attorney Mr. *Hancock*, or before the Tryal was ended. And in truth the 90*l.* the Opponents ought not to have had, by reason the 90*l.* Cost ought to have been set aside upon their own Demurrer. Moreover it is to be noted, that Sir *George Jeffreys* was Council for the Plaintiff

Plaintiff at the fore part of the Tryal, and had taken 40*s.* a Retaining Fee, and 3*L.* a Pleading Fee, and had the Petitioner's Breviate; but at the latter part of his Tryal, pleaded against the Petitioner, notwithstanding the Plaintiff tender'd him new Fees, and complained of him in Court. All which caused the Plaintiff to Appeal to the Parliament by two Writs of Error, to have the Errors argued, and his Title to be brought to an Issue, to be call'd to the Place and Seat of his Ancestors, according to his Birthright.

That the Kings most Excellent Majesty hath been graciously pleased to refer your Petitioner to the Lords in Parliament, to hear and determine his said Cause; and to that purpose, he hath been at vast Charges in renewing his two Writs of Error, after every Prorogation; and his Attorney hath received 60*L.* only for the Kings Hand, besides all other Charges which far exceeded. And his said Attorney did promise your Petitioner, to get all his Breviates in a readiness against the Tryal, but did altogether fail, as the printed Petition hereunto annexed makes appear. Moreover he told your Petitioner sometime before, that he could have had *a hundred Goineys* to betray your Petitioner; and some other of your Petitioners Council have been tempted with Bribes, but they were so Just as to refuse.

And now the Agents have surprized your Petitioner, for they knew the Error must have been proved against the Plaintiff Mr. *Blakeston*; so that they would not take their Cost for that days disappointment, according to the prayer of the printed Petition, but have obtained the Writ of Error to be dismiss the Lords House, without any fair Hearing: so that all they have done, and do, is by way of surprizal, to tire the Claimant out of his just Right.

He therefore most humbly beseeches the Honourable House of Commons, as he is yet but a Commoner, that for the Glory of God, the Honour of our King and Kingdom, to stand up for Justice, so that Property and Right may be preserved, and the Oppressed may be relieved, for this is the 11th year of your Petitioners Claim: And intercede with the Kings most Excellent Majesty, and the Right Honourable Lords Spiritual and Temporal, not to suffer a Loyal Subject to be over-powered, but that his just Claim may be heard with patience, and determined in Justice; and that your Petitioners Bill may be made an Act, to restore the true Heir to his Birthright, and that the Title and the Estate that is now dispersed into several hands, may be forthwith settled by an Act of Parliament.

And he shall ever pray

Near 300*L.* the two Writs of Error have cost, for putting into Parliament, continuing and renewing after every Prorogation, and now they have Execution upon *Blakeston's* Writ of Error, before the Case is heard.

The Attorney-General said, Mr. *Percy*, *Now you have no where to Appeal but to Heaven*: But if Justice be not done on Earth, we may fear Gods Vengeance will come from Heaven: Therefore the Petitioner is forc'd to Appeal to those Worthies in the House of Commons for Justice, and therefore he hath annexed the printed Petitions.

TO

To the KING'S most Excellent Majesty;

And to the

Right Honourable Lords Spiritual and Temporal
in PARLIAMENT Assembled.

The Humble Petition of JAMES PERCY.

SHEWETH,

That after your Petitioner's Complaint against his Attorneys, *James Hooton, Edward Fyfield, and John Hancock*; Mr. *James Hooton*, one of your Petitioner's Attorneys, understanding the Complaints against him, sent the Writings by his Man, which came too late; out of which Papers his Breviates ought to have been drawn, which doth testifie the Truth of your Petitioner's Complaint, and what he offered to confirm upon Oath before your Lordships.

Therefore your Petitioner most Humbly prays, That the two Writs of Error may be continued between *Percy Plaintiff, and Blakeston Defendant, and Utting Plaintiff, and Coppleston Defendant*; and that his Council that he hath Retained formerly, may be allowed your Petitioner to argue the said Cause: that is to say, *Sir William Jones, Serjeant Pemberton, and Serjeant Simpson*, and that a new day may be ordered now his Witnesses are in Town, and desires no longer time then his Council may well consider: And further prays, That a moderate Costs may be tax'd, upon account of the Attorneys Negligence.

And your Petitioner shall ever pray, &c.

JAMES PERCY.

It is hoped, that the Neglect of the Attorneys shall not destroy a man's Birth-right, Title and Inheritance.

Your Petitioner's Cause being before your Lordships to hear and determine, therefore humbly prays, that a new day may be Ordered, before his Witnesses be dispersed.

B

OR A BISHOP'S CHURCH

TO

To the KING'S most Excellent Majesty, in PARLIAMENT.

The Humble Petition of JAMES PERCY.

SHEWETH,

That this annexed Petition, fairly writ, was presented at the Bar of the Lords House the 10th. Instant.

That your Petitioner is at a vast Charge in keeping his Witnesses in Town, waiting for an Order, and a Day appointed, according to the prayer of the said Petition.

He therefore prays, That your Majesty would be graciously pleased to call for the said Petition, and cause it to be Read; and that a short day may be appointed, that a fair Hearing may be had, to find out the Truth, and that Justice may be done accordingly: And let it not be said in England, that the Innocent are punished, and the Guilty go free: But call to mind how merciful God hath been, in Restring your Majesty; Even so in pity Restore your poor distressed Subject.

And he shall ever pray, &c.

JAMES PERCY.

This Petition was presented into his Majesties Sacred Hand, the 15th. of December 1680.

To lose such an Opportunity as offered on Thursday last, and now to trouble so good a King so oft, doubles your Petitioner's sorrows.

And that which adds to your Petitioner's misery, is, that he cannot dispose of his Witnesses, till a positive Order be had; for which he humbly prays.

Note these three following Presidents.

I. *T*He Lord of Newport begg'd the *Percies* Land of the King, for the Duke of Monmouth, when the Duke was in *France*: but at the Duke's return, *Percy* the Claimant waited upon the Duke, to know his pleasure; and told him, That my Solicitor had betrayed me, for the *Percies* Lands were begg'd without the Claimant's consent or knowledge. Then the Duke replied, *Mr. Percy, you shall have a fair Tryal at Law*: And moreover he did promise he would not stand upon Priviledge: but when *Percy* was ready for a Tryal, then Trumpt up Priviledge. And Mr. *Ross* the Duke's Agent said, the Duke could not set aside his Priviledge: But the Duke said, if *Percy* proves himself Heir, I have no Right; and forthwith sold his Interest for an inconsiderable Sum of Money.

II. The

II. The Lord *Ogle*, that married the Lady *Elizabeth Percy*, would have assumed the name of *Percy* ; and put in a Bill to be made an Act to settle the Lands upon him by Act of Parliament.

III. And it is reported that the Lord of *Essex* desired that some of those Lands might be settled upon him by Act of Parliament.

By this account the Lands are yet unsettled : *Ergo* then great reason it is, that the true Heir-Male of the *Percies* Bill should be made an Act of Parliament, to settle the Name, Title and Estate together again, according to the first settlement confirmed by his Ancestors.

Now your poor distressed and oppressed Petitioner humbly and freely offers, for the obtaining of Justice, and for the full satisfaction to the Kings most Excellent Majesty, and the Right Honourable Lords Spiritual and Temporal, and thole Honourable and Worthy Members of the House of Commons in Parliament assembled, (if it be required and thought convenient, he being very unwilling to offer any thing that might give the least offence, but rather submit to their grave and mature Wisdoms) these Proposals following.

James Percy the Claimant and Plaintiff, will pay into the hands of any Trustees that shall be appointed to receive the Money in Trust for Mr. *John Blaketon*'s Costs, provided he likewise lay down the 90*l.* taken by surprize out of Court before the Tryal was ended.

And Mr. *Uting*'s Cost likewise shall be paid, for what Sir *John Coppleston* claims ; provided likewise that Sir *John Coppleston* pay the 10*l.* down, which he got when he ventured the Breach of Priviledge of Parliament : provided the whole Merits of the Cause may have a fair Hearing and Determination before the Lords : And if the Plaintiff and Claimant *James Percy*, doth not prove himself to be the right true and next Heir-Male in Bloud of the *Percies* of *Northumberland*, then let them take all the Money, and the Plaintiff will freely acquit his Claim for ever, and remain till death a Loyal Subject, and *James Percy*.

Although his Witnesses be dispers'd, a Weeks time will bring them to Town again, upon the sight of an Order.

For the Claimant *James Percy* (by Birth) ought to enjoy the Place, Seat and Priviledge of his Ancestors, Earls of *Northumberland* ; but now he dares not appear, till an Order be had.

Therefore he most humbly prays, That a fair Hearing may be had, and that a true decision of his just Cause and Claim may be made, according to Justice : so that the Innocent may be preserved, and that the fraudulent practices not just may march off with shame : For Heroick Actions glorifies God, Honours the King, and makes all the people shout for joy.

God hath been pleased to make a true decision himself, which may be a president ; for he sent the Claimant from his Mothers Womb with a Crescent into the World, which is Gods Ensign of Truth, and the very Badge belonging to the *Percies* Earls of *Northumberland*. In witness to this Truth, I have set to my Hand and Seal, this 3d. of January, 168^o.

JAMES PERCY.



To the KINGs most Excellent Majesty.

The Humble Petition of JAMES PERCY.

SHEWETH,

THAT it is a great grief to your Petitioner's Soul, to trouble your Sacred Majesty so often, in looking after his Just Right; yet cannot help it, by reason his Opponents are of so great Power, Policy and Force.

That notwithstanding his Petition to the Right Honourable House of Lords, presented the day after his Hearing should have been had, the Opponents got that Writ of Error dismiss'd the House, well knowing the Errors would have been confirmed against them.

That thereby they have an opportunity to take out Execution against your Petitioner, and so to stop his further publick appearing.

That if that Writ be not recall'd into the Lords House again, your Petitioner can in no wise expect a fair Hearing, nor a just decision of his Cause.

Therefore your oppressed Petitioner most humbly prays, That your Majesty would be graciously pleased to see Justice done herein, and that a new Day may be appointed, according to the Prayer of that Petition that is now before the House of Lords; or that your Sacred Majesty will be graciously pleased to call your Loyal Subject, by your Royal Writ of Summons, to take the Place and Seat of his Ancestors, Earls of Northumberland, he having proved his legitimate Descent and Pedigree at several Tryals at Law.

This Petition was presented into his Sacred Majesties hand Jan. 3. 1681.

All great and dubious matters the Children of *Israel* presented and laid open before *Moses*: Even so the Claimant hath done to his Majesty all along, knowing that in the King solely lyes the creation and preservation of Honour and Nobility.

But the King referred the Cause to the Lords to hear and determine; and now the two Writs of Error are dismiss'd the Lords House, without hearing the said Cause.

Now the Claimant *James Percy* finding himself over-powered, is forc'd to Appeal, and humbly prays for Justice: As Prerogative belongs to the King, so Property and Right belongs to his People.

F I N I S.



To the KING'S Most Excellent Majesty ;

The Humble Petition of JAMES PERCY.

SHEWETH,

THAT Your Petitioner most Humbly Beseecheth, and Earnestly Prayeth Your Majesties Pardon, for that Omission on the Ninth of December last, which was in truth altogether the Neglect of his Attorney, as his Printed Petition sets forth.

That Your Petitioner Humbly presents these two Books, that your Most Excellent Majesty may see the real endeavours of Your Petitioner ; and the first Book was Prepared for the Right Honourable Lord's Spiritual and Temporal, to inform their Lordships : And the second Book is prepared to make his Complaints known to the House of Commons ; that They may Intercede in his Just Cause with Your Royal Majesty, and the Right Honourable Lords in Parliament.

Therefore Your Majesties Loyal Subject and Petitioner most Humbly Prays, That Your Royal Majesty will be Graciously pleased, Patiently to Read, and Seriously consider the Printed Complaints, and do Your Poor distressed Petitioner Justice, in restoring him by Your own Princely Power, Prerogative, and Clemency : He having at Law, fully proved his Pedigree : And therefore hath prepared a Bill, that it may be made an Act of Parliament, and most Humbly Prays Your Majesties Royal Assent therunto. And that Your Majesties Royal Writ of Summons may forthwith call Your Loyal Subject, from the House of Prison, to the House of Peers: And there to take the Place and Seat of his Ancestors, Earls of Northumberland.

When King Pharaoh took Joseph out of the Dungeon, Then God fill'd Pharaoh's Barns with his Blessings. To which God Annex long Life, and a Prosperous Reign.

And Your Petitioner shall Pray,

JAMES PERCY.

This Petition was presented into his Sacred Majesties Hand Jan. the 17th. 1681. And did indeavour to present the two Books mentioned in the Petition ; But a Gentleman stepping betwixt the King and my self, pusht me away ; so that I could not Present the Complaint prepared for the House of Lords, against the day of Hearing : Nor this Complaint which is prepared for the House of Commons, (*my Opponants are great and Numerous,*) which forces the Claimant to Pray for Justice.

An Affidavit made by JAMES PERCY, Claimant
to the Earldom of NORTHUMBERLAND.

WHereas Mr. James Hooton, did undertake the Carrying in two Writs of Error in Parliament, between James Percy Plaintiff, and John Blackston, Esq; Defendant, for Scandalous Words, and in Ejectments for Lands, Robert Utting Gent. Lessee of the Plaintiff, and Sir John Copleston Defendant; And the aforesaid Mr. Hooton did receive Writings of Percy the Claimant long before the day of Hearing before the Lords; And did promise to fix all the Claimants Breviats, so as they might be ready for some Lords, and for the Council: But when the Claimant should have been prepared for his Counsel, then Mr. Hooton could not be found till the very Morning the Hearing should have been had; then he meeting the Deponent James Percy, at Fetter-lane-end in Fleet-street, and said whither are you going? Percy told him, *I am a going to make my Complaint against You, for keeping my Writings, and not making my Breviats ready for my Council.* And when James Percy had made his complaint in Parliament, and offered to make Oath before their Lordships to Confirm the truth: And when the Lords Commanded to withdraw, then Mr. James Hootons Man came into the Lobby, and there delivered the Writings to the Deponent, upon the 9th. of December 1678. Moreover the said Hooton, said some time before, that he was offered a Hundred Guineys to betray the said Deponents Case.

And on the 7th. of January 1681. The said Hooton came to the Deponents Chamber, and desired to see those Writings that belonged to those Writs of Errors, and did Write something out of them; saying, *He had not kept a Copy of them, which he ought to have done;* but said *He had enough now to do his business:* and further said, *there was one sheet wanting:* Which shews how careful he was of his Claimants Cause; And yet threatens he will Sue the Claimant for Defaming him in his Practice.

Jur' 18. die January 1680.
coram me Magistro Canc'
John Hoskyns.

JAMES PERCY.

The Deponent Humbly Prays for speedy Justice, and that he may be forthwith called from the Prison of Kings-Bench, into Parliament, to take the Place of his Ancestors, Earls of Northumberland, according to his Birth-right, and that the two Writs of Error, may be Re-manded back, and the Execution stopt. For his Witnesses continue still in Town: Hoping by your Mature Wisdoms, to obtain an Order for a new day of Hearing; for which he Prays, as by his Petition all along appears.

An Affidavit made by JAMES PERCY Claimant to the
Earldom of NORTHUMBERLAND.

WHereas *Edward Welby* Gent. is Attourny for *John Blackston* Esq; *Def.* this Deponent *James Percy* on the 21st h. instant, went to *Mr. Welby*, and offer'd an Agreement: And whereas Cost of 70 odd *l.* is demanded of me the Plaintiff, the Deponent demanded 90 *l.* which was but tendred into Court upon my Lord Chief Justice *Scrogs*'s promise that the Lord of *Essex* would not insist upon Priviledge, and that the Deponent *JAMES PERCY* should have a fair Tryal: the Money was not intended for the L. of *Essex* really, but it ought to have been remanded back again to the Plaintiff *JAMES PERCY*; for that 90 *l.* costs pretended for *Mr. Clark*, was Sued for by *Capt. Biggerstaff* that married the Relict of *Mr. Clark*; And that 90 *l.* Costs ought to have been set aside upon their own Demurrer; therefore *Mr. Welby* Reply'd, I must complain in Court: The *Writs of Error* ought to have been heard, debated, and determined by the Right Honourable *Lords* in *Parliament*; But it was blown over, as by the Printed Complaint, (prepared to present to the Honourable House of Commons appears) But it is hoped the *Writs of Error* may be Re-manded back into *Parliament*, to have a fair Hearing: Or if the Plaintiff and Deponent be forced to pay the 70 odd Pounds Cost; then the 90 *l.* ought to be Refunded to the Deponent,

Jurat. 22. die Jan. 1680.
John Hoskins.

JAMES PERCY.

IT is very hard for a man to be kept out of Possession, and his Opponents manage all their Suits at *Law* against him with his own Estate; and that will not serve their turns, but they covet to get from the Claimant by Fraud, so that they may totally Ruine and disable him from prosecuting his Birth-right.

JAMES PERCY, (the true and lawful Heir-male to the *Percy's* Earls of *Northumberland*,) hath found more *Injustice* and *Hardships* here in *England*, than the *Children of Israel* found in *Egypt*, when they made *Erick*, and were forc'd to gather their own Straw to burn them.

When *Joseph's* good Works were forgot, then his Brethren suffer'd; But now the *PERCY's* good deeds are forgot, their lawful Successor suffers in Prison; And therefore earnestly prays for a speedy Deliverance. My great Pains, and Charge in Printing, is really intended rightly to inform the world, thereby to remove Oppression, and to revive Justice.

To

To the Kings Most Excellent Majesty.

The Humble Petition of JAMES PERCY.

Sheweth,

THAT Your Petitioners Opponents have obtain'd their Desires, for your Petitioner is in Prison

That Your Majesty was Graciously pleased to say, *God forbid that We should hinder an Heir, but that he should have the Benefit of the Law;* And to that end Sir John Berkynhead was sent by Your Majesty to the Attourny General.

That Your Petitioner hath proved his Legitimacy and Pedegree, at four several Tryals at Law, whereof one is exemplified under the Great Seal of Your Majesties Court of *Kings-Bench*, (where Your Petitioner is now a Prisoner) upon that Writ of Error the Lord Chief Justice Scroggs so wilfully gave the Cause away, after Your Petitioner had fully proved his Pedegree, and to be Descended from the Body of *Henry Percy*, fifth Earl of *Northumberland*, and Cousin and next Heir-Male to *Josceline Percy*, late and eleventh Earl, deceased.

Therefore He most Humbly Prays that Your Most Excellent Majesty would be Graciously pleased to Order the Lord Chancellour forthwith to call (by Your Majesties Royal Writ of Summons) Your Petitioner from the House of Prison, to the House of Peers, to take the Place and Seat of his Ancestors Earls of Northumberland, as it is his Birth-right and Title proved at Law: God in his Justice and Mercy restor'd Your Majesty to Your Crown and Kingdoms; ever, so let Your Majesty in Equity and Pity Restore Your poor Distressed Subject.

And Your Petitioner shall ever Pray, &c.

JAMES PERCY.

THIS Petition was offer'd to His Majesty the 24th. of *January* 1680. and His Majesty was pleas'd to say, *He would not receive it;* But said, *You may go where You please;* Which Saying was taken for an Answer to that Petition presented the 17 of *January*; Wherein it was to be understood, the Petitioner had prepared his Complaints for the House of Commons. (*It is to be noted,*) That the Gentlemen who attended the King, said, *Yonder is the E. of Northumberland with a Petition; why should Your Majesty trouble Your self with it? had You not one the other day? reject it.* I have found His Most Excellent Majesty hath been inclinable to Justice all along, but still is obstructed by one means or other: But the plain Truth is, His Majesty would not be seen to give and ungive at his own pleasure, His Majesty being mistaken in his Guifts; Therefore was Graciously pleased the Lords should Hear and Determine the said Cause; And to that purpose, did come down to the Bar in the House of Lords to hear the Cause Himself; but was disappointed, (as by the *Petitions* and *Affidavits* appear.) But the said Cause having been continued a long time at such a vast Charge; and then to be slightly blown over without a fair Hearing, all the World much admires; For the clearing up of the Pedigree, would have confirm'd the *Errors*.

Therefore Your Petitioner Appeals to the Honourable House of Commons; And most Humbly and Earnestly prays your Assistance, to enquire the Reason why, and how the Writts of Errors came to be dismiss'd; And that they may be Re-manded back, that a fair Hearing may be had according to the Prayer of the Petitions; Or that You will be pleased to cause the Heralds to enquire into the Truth of the Claimants Pedigree; And that He may be call'd from the King's Bench Prison, to the House of Peers, to take the Place and Seat of his Ancestors, Earls of Northumberland.

And Your Petitioner shall ever Pray, &c.
JAMES PERCY.

Right Honourable,

I Am your Cousin, (though a Prisoner) descended from the Body of *Henry Percy* 5th. Earl of *Northumberland*; By which Descent I am Cousin and next Heir-male to *Josceline Percy* your Father the late and 11th. Earl of *Northumberland*, Deceased. A Prison is a Grave for Men alive; But when *Naboth* was ston'd to death, then *Ahab* took possession of the Vinyard, *1 Kings. 21. 18.* And walking in the Garden among the Eeds of Pleasure, then God sent his Prophet *Elias*, to tell *Ahab* of his Transgression, (notwithstanding he was a King,) *Ezekiel 46. 18.* When *Belshazzar* was quaffing in the Gold and Silver Vessels of the Temple, then appear'd the Hand-writing upon the Wall, *Dan. 5.* When your late Husband the Lord *Ogle* went about to assume the name of *Percy*, and to have the *Percies* Lands settled upon him by Act of Parliament, then God call'd him to Accompt; Therefore let Your Ladiship do Justice speedily, and submit to Truth in Time, for fear God calls You to Accompt also. I believe Your Servants and Agents have rendred Me to You to be a Monster, and not a Man; Be not too subject to Believe Them, but lee with your own Eys, and hear with your own Ears; and admit Me into Your presence, for I have somthing to offer that will add Fame to Your Honour, and Rank You with those Two Worthy Women of our Family, the Lady *Agnes Percy*, who prevered the *Percies* Name, and the Lady *Lucy*, that settled her Estate upon the Heirs Males of the *Percies* for ever; And for ever that Estate must attend the Title; And the Fines can never be recover'd but by the true Heir-Male of the *Percies* Mr. *Gee* can inform You (if he pleases,) how I was at *Petworth* in the Year 1654. And then, and there made my Claim as I do now; And before Mr. *Clark's* Tryal, Your Agents, with their Councel, would have own'd Me to be the next Heir, and would have assisted Me for the Title with their Books, Pedigree and Records: And also how I met with Mr. *Champian* and Mr. *Gee* at Doctor *Lampley's* House, and there made out my Pedigree clear, only I could not find out my Great Grand-fathers Name; First, it was a very hard Name; And Secondly, Mr. *Champian* kept it secret till he was forc'd to declare upon his Oath, that Sir *Ingelram Percy* was Married, and had Sons and Daughters, at Sir *John Coppleston's* Tryal for *Cannington* and *Rodaway* Lands in *Somersetshire*. Thirdly, The *Heralds* had altogether neglected the Collateral Line of the *Percies*. Now all my Aim is really to beget a right understanding, so that I may remain,

Your Ladiships Real, Cordial, and Faithful Kinsman,
and most Humble Servant,

J A M E S P E R C Y.

What I have to declare to your Ladiship is not convenient to be oommited to writing, but assure your self it really tends to your present Welfare, and future Peace and Prosperity.

As Answere will find me in the Kings-Bench-Rules, at the Written Table at Captain *Dancker's* House in Lombard-street, near the Bowling-green, in the Borough of Southwark.

This Letter was presented the day of the date hereof; and the Claymant hath printed it, that the world may see that a true *Percy* is not affraid of his Innocent and Just Cause, nor afraid of his Potent Opponents; For he whom I trust in, is greater than they, *5 Eccles. ver. 8.*

 **N**ow in these our days there is no Prophet *Gad*, *Michaiah*, *Elijah*, nor Interpreters of Dreams, like *Joseph* and *Daniel*, that dares presume to speak to Kings as they did in those days.

Therefore *James Percy*, the true Heir male of the *Percies*, Earls of *Northumberland*, humbly makes bold with the Prophet *Ezekiel*, cap. 46. ver. 18. Moreover the Prince shall not take of the Peoples Inheritance by oppression, but he shall give his Sons Inheritance out of his own Possession, that my People be not scattered every man from his Possession. The

The King's Most Excellent Majestie's Gracious Answer was to the Claymant's Complaint, in 1670. *God forbid that we shuld bin les an Heire, but that he shuld have the Benefit of the Law:* And to that purpose His Maj: st: ordered Sir John Birkethead, Mallet of Record, then in waiting, to go to the Attorney General, to know why he refused to sign the Co-warrant which the Claymant's Sollicitor, Mr. Thomas Swain presented to him to sign? But Attorney General said, *He could not sign Percy's Co-warrant, by reason that he was of Counsel for the Countes of Northumberland:* And the Court of Wards being put down did much derinate the Claymant in his Proceedings, and so less than nine several Persons have stood upon and been shelter'd under Priviledge, which hath been the cause of delay all this time.

And from that time Mr. Swain (the Claymant's Sollicitor) began to play the Devil two sticks; for whilst James Percy was prosecuting the Law, and delivering Declarations, Ejectments in the North, the Sollicitor had contray'd the busyness so, as the Title and Title were begg'd, dispos'd and scatter'd before the Claymant returned, and then pretended the Co-warrant, with other Writings, was lost, which cost a considerable Sum of Money, and then arrested his Clyent James Percy in three several Suits at Law, which continued three years; But the Sollicitor Swain was overthrown in all the 3 Actions; moreover the Claymant James Percy was in those travels poisoned at New-Castle, arrested at York in two Actions of 2000*l.* each Action, and then durst not proceed at Law, but let the Actions fall, and paid 40*s.* Cost, a poor satisfaction for a night and two days Imprisonment, and maintaining my two Men and three Horses, belides the Charge of spunging Bums; And the Actions were in the Lord of Essex, and Mr. Clark, and others Names: And to fill up the measure of malice, they published in the English Gazette, and the French Gazette, *That the Claymant was an Impostor:* And Mr. Blackston said in all these Courts, *That the Claymant's Name was not Percy,* but declared him to be a Bastard; with many more scandalous wordr, which were proved at that Tryal before the Lord Chief Justice Scroggs, notwithstanding he discharged Mr. Blackston and Sir George Jeffrey at that Tryal, took Fees on both sides, so the Claymant James Percy was clearly bought and sold, and proved to his Damage 1200*l.* Besides, it was the occasion of this his present Imprisonment, upon the Writs of Error that were so strangely dismiss'd the House of Lords without any Hearing; notwithstanding the renewing and continuing after every Prorogation, cost in all above 300*l.* And now the Claymant James Percy hath used all ways and means possible, (as by his Petition and publick Prints appears) and cannot proceed further without the Assistance of the Honourable House of Commons. His Majesty is much troubled, and the Claymant really believes that His Majesty had a cordial Desire to hear and see the Cause determined, as by His coming up to the Bar of the House of Lords, that day the Hearing should have been had. Besides, His Majesty may perceive, I shall never leave my Claim, till Justice be done, by reason I now know it is my Right by Birth and Bloud, and that the sole power of creating and preserving Honour rells in His Royal Breast, as Flowers in the Crown: And by the Coronation-Oath, the King cannot take Titles from one Peer, to give to another Peer. But as God hath in mercy restored His Majesty to His Crown and Kingdoms, even so ought the King in Justice to restore every Loyal Subject to the Birth-right, Title and Inheritance of his Ancestors. It was very hard at first for the Claymant to find out the Name of his great Grandfather, by reason he was in his Childhood brought up amongst his Mothers Relations; And in the troublesome times (he being a Royalist) was forced to abscond and travel for many years, But the Adversaries did wildeynize the Claymant, in hiding his great Grandfathers Christian Name from him: For Sir Ingelram Percy was the Claymant James Percy's Great Grandfather, and youngest Son of Henry Percy 5th. Earl of Northumberland; and this Collateral Line was never attainted; and therefore ought to be restored according to Henry Percy the 5th. Earls Patent, and not under the Patent of the New-Creation by Queen Mary for Thomas Percy, 2d. Son of the 5th. Earl, was attainted, but Sir Ingelram Percy 3d. Son was Innocent, and to hath his Issue continued to this day: And therefore prays for speedy Justice: Justice removes oppression, Glorifies God, Honour the King, Rejoyces the People, puts an end to your troubles, and ratifies Peace, for which the Petitioner prays:

For Henry Percy, 5th. Earl, Great Great Grandfather, had Sir Ingelram Percy, Great Grandfather, who had Henry Percy Grandfather, and he had Henry Percy Father of the Claymant.

JAMES PERCY.

